IMT Nuremberg Archives

H – 2741

International Court of Justice

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ERRATA SHEET

Page 6 Opposite line 5 insert reference Tr 15289

8 Line 6: after "that" insert "in the name of all common sens

17 Line 22: delete "Political Leaders' part" and substitute "part played by Political Leaders"

26 Line 8: delete "to this argument" and substitute "in this argument"

28 Opposite line 20 insert "Comm Tr 2878"

29 Line 27: delete "human" and substitute "humane"

32 Line 30: delete "be proved" and substitute "prove"

34 Line 14: delete "clever" and substitute "skillful" (geschickt

35 Insert reference to footnote "D 906 No.4.p.2."

37 Opposite quotation on line 26 insert "PS 1519 GB 525"
Line 37: delete "1940" and substitute "1944"

38 Penultimate line: delete "orders" and substitute "precaution

39 Insert against penultimate para "Comm Tr 2931 et seq"

45 Insert against last para "D 971 GB 619"

47 Opposite first 2 quotations insert "Comm Tr 346"
Line 20: delete "to" and substitute "the"

49d First line: delete "drive" and substitute "directive"

55 Insert after PS 392 in footnote "US 326"
7th line: delete "1945" and substitute "1935"

57 Opposite line 19 insert "PS 4058 US 922"
Insert after "I 7" in margin "US 566"

58 Line 13: delete "tried" and substitute "had"

61 Line 11: insert after PS 2822 "GB 605"
11: spelling of 7th word should be "Reichenau"
14: Insert after PS 1849 in margin "GB 610"

62 Add exhibit numbers PS 3050 K D 951 PS 4013
US 414 GB 607 GB 608

63 Reference opposite first quote should read EC 366-1
p.2.
GB 609

Add to reference PS 4011 p.4. "GB 596"

65 Complete references in margin as follows:

D 969	D 968	PS 4071	PS 3661	D 964
GB 600	GB 599	GB 60[illegible]	GB 601	GB 597

67 Amend reference to first quotation to "PS 3232 US 435"

70 Opposite 4th line insert reference "D 878 GB 572"

71 Line 18: delete "not"

72 4th line of footnote: delete "partners" and substitute "parents"

73 1st line of footnote: delete "1943" and substitute "1937"

77 Line 12: delete "Said Professor.....have heard"
and substitute "Professor Hirt wrote"

79 Opposite line 10 insert ref nos: PS 1972, US 471:
PS 2997, US 472: D 569, GB 277: PS 1061, US 257.

88 Delete "SS" on last line and substitute "SD"

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ERRATA SHEET NO. 2.

ORGANIZATIONS FIELD SPEECH

Pages 8 and 29:	Add to PS 315, GB 537: Add to PS 205, GB 538
21:	Delete EC 256 and substitute EC 265
30:	Add to D 884, GB 539
33:	Delete PS 621 and substitute PS 621. Add to D 906, GB 543
33a:	Add to PS 2194, US 36
35:	Add to PS 1969, GB 544
45:	Insert opposite 3rd para "SA Defence Doc 156 (D 978 = new English translation)"
50:	Add to PS 2471, US 413
82:	Add to D 923, GB 615
83:	Add to D 936, GB 616 Add to D 421, GB 567

(10,418)

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ORGANISATIONS - FINAL SPEECH

In 1938 Hitler spoke in the Reichstag:

PS 2715
US 331

> "National Socialism has given the German people that leadership which as a party not only mobilises the nation but also organises it. National Socialism possesses Germany entirely and completely.....There is no institution in this State which is not National Socialist."

We know now the kind of leadership that National Socialism did give the German people. We know how and for what purposes the Nazi Party mobilised and organised the German nation - for world dominion at the cost of war and murder. The entire and complete possession of Germany by National Socialism meant the possession of the people, body and soul, by the organisations of the National Socialist Party and Government.

For what purpose were the Nazis seeking this possession of the people? Their aims were to have a controlled but fanatical police state geared for military aggression. If one imagines an "ersatz" Machiavelli presenting what this required, he might well have considered necessary:-

1) A quick method of registering your laws and decrees. For this you need a pliant and complacent cabinet with full legislative powers - the Reichsregierung.

2) Quick suppression of any signs of opposition or freedom of thought. Here you want an espionage service and a police which will strike at once - the SD and the Gestapo.

3) A complete check and control of public opinion. This is provided by the pressure of a fanatical Corps of Political Leaders on a propaganda-soaked public.

4) A Praetorian Guard who will rid you not only of any "turbulent priest" but of any with a creed of their own, and so you have the SS.

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5) A spreading executive hand which will grasp the population in its clutch of physical training and mental preparation for war; which will thrust that population forward and downward when general violence is necessary; which will hold it firm in the ideologies of terror at home and abroad. What could be more suitable than the SA who had just won "the battle of the streets?"

6) An instrument to turn your existing military forces to your purposes; to make them ready to commit any act even if it is contrary to military tradition and repugnant to soldier-like qualities; to give unquestioning assent to the enslavement of other nations; to co-operate and hold the ring for the agencies of oppression to destroy national life and the dignity of the human spirit. This was the function which the General Staff and High Command must perform.

Speed of government, delation, absence of free thought and speech, internal suppression, external trained and calculated force. These are the eternal interlocked weapons without which tyranny cannot flourish. These are but other names for the Organisations which we have indicted as criminal and by which these defendants and their colleagues were able to lead and organise and possess a nation.

When Mr. Justice Jackson addressed this Tribunal on 28 February he emphasized that it was not our purpose to convict the whole German people of crime. I say again that we do not seek to convict the people of Germany. Our purpose now is to protect them and to give them opportunity to rehabilitate themselves in the esteem and friendship of the world. But how can this be done if we leave amongst them unpunished and uncondemned those elements of Nazidom

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which were most responsible for the Nazi tyranny and crime and which, as this Tribunal may well believe, are beyond conversion to the ways of freedom and righteousness?

Nor is it only the German people that we seek to protect. All Europe needs protection. Consider the position of Europe today. Among the Germans who were Hitler's there are many thousands of men and women who with their own hands have done murder - murder not, perhaps, of a single person, but of many. Hundreds of thousands, nay, millions more, became disciples of their Fuehrer's creed of hate and cruelty. Amongst them are those whose profession and training was to command and lead, militarily and politically, men who are still as fanatical and ruthless in their lust for power as at any time during the last 25 years. You remember the words:

PS 3230
US 325

> "Fight? Why do you always talk of fighting? You have conquered the State and if something does not please you then just make a law and regulate it differently! Why must you always talk of fighting? For you have every power! Over what do you fight? Outer-politically? You have the Wehrmacht - it will wage the fight if it is required. Inner-politically? You have the law and the police which can change everything which does not agree with you. We do not mean the fight of all against all. We do not fight against the other, but we fight because of the other."

Such were the precepts of Hoheitstrager - bearers of National Socialist sovereignty. They are not forgotten in a day.

Should these men be let loose amongst the German people and amongst the people of Europe? Already the difficulties of this unhappy continent are overwhelming. Apart from those who come within the definition of these Organisations, vast numbers of fanatical adherents of Nazidom must in any event remain at large. We have a whole generation of the German people who know no other ways than those prescribed for them by their Nazi rulers - young men and women whose first lessons were taught by Nazi teachers, whose education was had in Nazi schools, and

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whose sport and recreation were found in the military exercises of the SA. Are the leaders of Nazi Germany - in the shape of the members of these Organisations - to be let loose to work their influence upon such fertile ground?

The law is a living thing. It is not rigid and unalterable. Its purpose is to serve mankind and it must grow and change to meet the changing needs of society. The needs of Europe today have no parallel in history. Never before has the society of Europe faced the problem or the danger of having in their midst millions of ruthless, fanatical men, trained and educated in murder and racial hatred - and in war. It is a situation which, were there or were there not precedents from the past, would justify and indeed compel unusual legal provision. In fact, as the Tribunal will remember from the speech of Mr. Justice Jackson, there are ample precedents for the procedure which we are asking you to institute. If you are satisfied that these Organisations as a whole are criminal, that the great majority of the members of these Organisations knowingly and voluntarily supported the criminal policies, and participated in the criminal activities of the leaders of the Nazi Party, then it is your duty under the Charter to declare them criminal. You may well think that your duty under the Charter is only commensurate with your duty to Germany, to Europe and the World.

The principle on which their condemnation is asked for is clear. It is a practical application of the sound theory of punishment which we learnt in our youth - from, among others, that great German thinker, Kant. If men use society merely as a means to their own ends, then society is justified in putting them outside society. The immensity of the problem does not excuse its non-solution. The failure to perform this legal duty may well spell terror and racial persecution throughout a continent, and for the third time in our adult lives, world war.

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The Court and the Prosecution have had the advantage of reading what is, if you will allow me to say so, a careful and learned argument from Dr Klefisch. The criticism, however, which I should venture to make is that it is remote from the essential fact-finding function of this stage of the trial. The first 30 pages are in reality an attack on Articles 9 and 10 of the Charter, and the conclusion which is drawn that the Tribunal should use the word 'may' in Article 9 as a basis for saying on purely a priori reasoning that no Organization can be criminal is, in our submission, to make nonsense of Articles 9 and 10, and to fly in the face of their connotation as well as their intendment.

In the succeeding parts of the argument Dr Klefisch makes certain particular submissions to which attention might be drawn.

The question is posed by him to what extent in number, how and by whom must crimes be committed in order to be imputed to the Organization ? To this we say that the practical answer presents no difficulties. No-one can lay down categorically how many grains make a heap, but equally, no-one can deny that he knows a heap when he sees one. Again, it is easy to decide on broad and sensible grounds what crimes are within the general aims of the organization. The Prosecution not only accept but adopt the proposition that in the case of each organization certain crimes can be said to be typical and repetitive, and they draw attention to the number of such typical and repetitive crimes which occur in the evidence.

Similarly, no difficulty is found in the words "in connection with an individual defendant." To say that if an individual defendant committed his crime in a capacity other than that of a member of the organization, Article 9 is not complied with, is to view this case in a non-existent vacuum. It is the whole burden of the prosecution's case that individuals and organizations are so interlocked that the common end of internal and external domination is omnipresent.

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Equally, we strongly contest the suggestion that a number of members were not aware of the criminal purpose of the organizations. Let us once and for all tear aside the artificial suggestion that large sections of the adherents to the Nazi Party were going about in blinkers. It is a travesty of the facts and an insult to their intelligence.

We agree with Dr Klefisch that non-participation in crimes under Article 6 of the Charter and a lack of will to support the policies and activities of the organization are the preconditions of innocence. It is the basis of our whole submission that, to use Dr Klefisch's own words, "The members did subordinate and work continually for the aims of the organizations and the Nazis".

Much emphasis has been laid by Dr Klefisch and by all Defence Counsel on the serious consequences which will accrue to the persons affected by a declaration of guilt, not only to those against whom subsequent proceedings may be taken but to the others besides. It is said "that the stigma inflicted upon members of organizations declared criminal would ... prove indelible ... Millions of members of organizations declared criminal would remain branded for the rest of their lives. One would point at them saying "Look, there goes an SA criminal"." But if they are guilty, if they have supported and assisted in a system which entailed throwing the world into war, reviving the horrors of slavery, persecution and mass murder, ought they not to be so branded ? This can be no injustice: it is less - far less - than their desert. It is the only hope for Germany and the world that her people realise and repent their responsibility for what has happened. Dr Servatius has asked you to excuse Ortsgruppenleiters because they were members of the lower middle class who lacked political experience. Can it really be that only the upper classes of the German people are able to recognise aggressive war for world domination, slavery, murder and persecution, as crimes ?

Yet there may be more truth in this than any dare to think. You have now seen and heard many witnesses who - some on their own

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admission, were themselves deeply involved in hideous crime. Have you been able to discern a sense of guilt or shame or repentance ? Always it is someone who gave the orders that is to blame: never he who puts those orders into execution. Always it is some other agency of the State who was responsible: to support that state and co-operate with those other agencies is without criticism. If this is the mind of these people today, there can be no more pressing need nor greater justification for branding these guilty men as criminal. If we cannot teach the German people to appreciate their responsibility to mankind; if we cannot teach them to know the difference between what is right and wrong, at least we can show them what, according to the concepts of every other civilised state is the duty of the individual citizens. And we can and ought to show them what the whole world accepts as right and wrong.

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Observations on the Defence

It is my intention to discuss the evidence in respect of those three Organisations for which the British Delegation has taken particular responsibility and which, in the considered submission of all the four prosecuting Powers, are criminal. But before dealing with that evidence I trust the Tribunal will bear with me if I make one or two general observations upon the defence which has been put forward on behalf of all these Organisations.

No one can say hereafter that every opportunity has not been afforded them for their defence. An elaborate procedure has been evolved to obtain and place before you their evidence. 102 witnesses have been heard before your Commissioners - witnesses selected by Defence Counsel from the many thousands of members of the Organisations available. You have the transcripts of their evidence. Of those witnesses Defence Counsel have selected 20 who have given evidence in this Court and whom you have seen and heard yourselves. In addition to this oral testimony, you have also had submitted to you the substance of no less than 136,213 affidavits for the SS, 155,000 for the Political Leaders, 2,000 for the Gestapo, 10,000 for the SA and 7,000 for the SD, a total of 310,213. And you have also had presented before your Commissioners another 1,809 affidavits either in substance or in whole, the majority of which are now contained in the transcript of the Commissioners' proceedings.

On the face of it, the evidence which has been given by almost all the witnesses called before your Commissioners is untrue. You yourselves have seen and heard some of those witnesses, selected by Defence Counsel presumably because they were thought to be the most reliable and the ones most likely to impress you. Their evidence is no better.

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You will remember Sievers, called for the SS, who denied knowledge of and participation in the experiments on human beings and was presented with a file of his own incriminating correspondence.

The witness Morgen described the variety theatre, the cinema, the bookstalls and the other amenities of Buchenwald. Dachau, he said, was a recreation camp.

Com Tr 140 Brill, who had served as an Obersturmbannfuehrer (Lt.Col.) in the SS division Leibstandarte from June until August 1941 on the Eastern front, knew nothing of the Einsatzgruppe, the slaughter of Jews in the Eastern territories or of the treatment of the peoples of Poland and Russia taken into captivity for forced labour. Had the conditions in June become so changed from what they had been two months before, when Himmler had said to all the officers of that division:

> "Very frequently the member of the Waffen SS thinks about the deportation of this people here. These thoughts come to me today when watching the very difficult work out there performed by the Security Police, supported by your men, who help them a great deal. Exactly the same thing happened in Poland in weather 40 degrees below zero, where we had to haul away thousands, tens of thousands, hundreds of thousands; where we had to have the toughness - you should hear this but also forget it again immediately - to shoot thousands of leading Poles."

PS 1918
US 304

General Hausser, one time Commander of the SS division "Das Reich" and subsequently Commander of a Corps, Army and Army Group, knew nothing of SS atrocities. He had never heard of the massacre of Lidice.

Gauleiter Hoffmann, who gave evidence before your Commission to explain away his order of 25 February 1945 encouraging the lynching of Allied pilots, said that the order "slipped out" from his command post after he had refused to issue the draft submitted to him by his Staff Officer.

L 154
US 335

(10,139)

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Tr. 14,802 et seq

Hupfauer of the German Labour Front, supervising the work of that organisation in Essen during the latter part of the war, and himself responsible for circulating Himmler's orders to ensure "the discipline and output of foreign workers", denied all knowledge of the brutal treatment of slave labour.

D 226 697

Norm Tr 1758

Rathcke, called for the S.A. before your Commissioners, described how "in the Spring of 1933, the S.A. in all German localities streamed into the churches."

Norm Tr 1413

Schneider, another Political Leader called before your Commission, aged 55, denied ever having heard of the boycott of April 1933.

Best, the enslaver of Denmark, gave evidence before you for the Gestapo. Having seen the documents that were presented to him in cross-examination, can you believe one word of what he said?

Examples of evidence of this kind could be quoted from the transcript of almost every witness that has been called to defend these organisations.

Consider this evidence from another angle. We know that

PS 3058 US 508

so-called "demonstrations" were organised and carried out throughout the whole Reich against the Jews on the night of 9/10

PS 1816 D-8 261

November 1938 during the course of which 35 Jews were murdered, 20,000 seized and incarcerated for no other offence than that they were Jews; we know that 177 synagogues were destroyed by fire or demolished, that 7,500 stores were destroyed and that the cost of damage to glass windows alone amounted to 6 million Reichsmarks. Even the Supreme Party Court reported:

> "The public, down to the last man, realises that political drives like those of 9 November were organised and directed by the Party, whether this is admitted or not. When all the synagogues burn down in one night, it must have been organised by the Party."

PS 3063 US 332

"Whether this is admitted or not!" Can you find one single man among the 102 witnesses that have been called on behalf of the

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Party Organisations who is prepared to admit it - or anything like it? Can you find one word of admission from among the affidavits that have been submitted by over 312,000 members of these Party organisations? If it was not the Political Leaders, if it was not the SA or the SS, if it was not the Gestapo or SD - what was it that organised and directed those demonstrations?

We know that slave labour was employed and brutally maltreated throughout Germany. We know that in 1943 it even became necessary - necessary only in order to increase production and for no reasons of humanity - to alter "the

PS 315 hitherto prevailing treatment of Eastern workers" and for the Party Chancellery and the RSHA to issue orders to all Political Leaders down to Ortsgruppenleiters and presumably to all stations of the SD and Gestapo that

PS 205 "injustices, insults, trickery, mistreatments, etc. must be discontinued. Punishment by beating is forbidden."

But can you find one single one from among the 102 witnesses and the persons who have sworn affidavits on oath who has ever seen or heard of the mistreatment of foreign labourers, save only in one or two exceptional instances?

The evidence of all of them is the same. They are asked if they knew of the persecution and annihilation of the Jews, of the dread work of the Gestapo, of the atrocities within the concentration camps, of the ill-treatment of slave labour, of the intention and preparation to wage aggressive war, of the murder of brave soldiers, sailors and airmen. And they reply with

"the everlasting no."

You may be reminded of the words of a great Irishman:

"Falsehood has a perennial spring"

(10,143)

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Let me turn to consider those three Organisations for which I am responsible - the Corps of Political Leaders, the SA and the SS.

1944

H2741 - 0016

CORPS OF POLITICAL LEADERS

Certain general points have been made by Counsel and witnesses for the Defence which it is convenient to mention before dealing with the evidence.

(1) It is said that Zell- and Blockleiters ought not to be included as Political Leaders; that they were never regarded as such and had no authority or political tasks; that they were subordinate to the staff officers on the Ortsgruppe whom the Prosecution has agreed to exclude; that they were completely unimportant and in practice little more than the messenger boys of their Ortsgruppenleiter.

We submit that there is overwhelming evidence that this was not so. When you examine the evidence you find them implicated in criminal activities of many kinds. I would ask you particularly to bear this in mind - that it was the normal procedure in the Corps of Political Leaders to pass nothing in writing below the rank of Ortsgruppenleiter. The Organisation Book of the Party prescribe

PS 1893
US 323

> "In principle the Blockleiter will settle his official business verbally and he will receive messages verbally and pass them on in the same way. Correspondence will only be used in cases of absolute necessity and practicability."

The witness Meyer-Wendeborn confirmed that this was so in practice:

Comm Tr
600

> "Between the Blockleiters and Zellenleiters on one side and the Ortsgruppenleiters and the staff on the other side, there was supposed to be no written instructions in order not to make these people of any lower rank or lower positions, not to make them too much work."

In view of that you may well think it remarkable that we have happened to find so many written documents as we have which directly implicate the Zell- and Blockleiters. In dealing with the evidence I shall draw your attention to those documents. But I would also emphasize the other evidence you have of the vitally

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important role the Zell- and Blockleiters played.

It has been argued that they were not Hoheitstrager as the Prosecution suggest, and various documents have been submitted by Defence Counsel to establish this contention. Be it right or wrong, it matters little. You will remember that they are included as Hoheitstrager in the Party's Organisation Book which states:

PS 1893
US 323

> "Among the Politische Leiter the bearers of sovereignty assume a special position."

It is answered that the Organisation Book is inaccurate. The same is said of the "SA-Mann" - an equally inconvenient publication for the members of the SA. Is there any official publication issued by the official Party publishers which is accurate?

The fact is that by whatever title they may have been known, the Zell- and Blockleiters formed the essential basis of the whole Party system. Gauleiter Kaufmann admitted:

Comm Tr
2525

> "Blockleiter and Zellenleiter were the executive organs of the Ortsgruppenleiter."

Zellenleiter Schneider was asked:

> "Would you agree with me that without the Zellenleiters and Blockleiters the Ortsgruppenleiters could never have carried on the tasks they had to perform?

and answered:

Comm Tr
1419

> "Yes, that is correct."

They were much more than the messenger boys they are now made out to have been. Hirt stated that only persons who were "completely politically reliable" were appointed either as staff officers in the Gaus, Kreis and Orts or as Zell- or Blockleiters and that the people who held the positions of Zell- and Blockleiters appeared to be supporters of the Nazi Party. The evidence shows the kind of task with which they were entrusted which included the

Comm Tr
1048

Comm Tr
1049

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responsibility of assisting in forming the "political judgment" of the members of their area.

(2) It has been suggested that Political Leaders - particularly in war time - were compelled against their will to assume their appointments. But the whole basis of the system was voluntary service, paid or unpaid, and it is confirmed by their own witness Meyer Wendeborn. Let me quote from his cross-examination before the Commission:-

Q. "May I take it that Political Leaders were all voluntarily occupying their offices?"

A. "Yes."

Q. "And that also applies, does it not, to the Zellenleiter and Blockleiter?"

Comm Tr 598

A. "The Zellenleiter and Blockleiter were appointed through the Ortsgruppenleiter after he had had a discussion with the staff. However, if a person considered himself not up to the part or that he was unable to do the job or that he did not have the time, we looked for another one."

Q. "And it was decidedly voluntary on the part of the Zellenleiters or Blockleiters whether or not they accepted the position"?

A. "Yes."

If pressure was brought to bear on some, as the witness Hirt suggested, it could only have happened in the most exceptional cases. If the holders of these offices were required to be "completely politically reliable" it would be remarkable to find among them many opponents of the Party forced unwillingly to act.

(3) It is said also that because, as in peace time, their appointments were not confirmed, their oath taken only at irregular intervals and because they were given no uniform, they were not, in the words of the Indictment, "according to common Nazi terminolog Politische Leiter of any grade or rank."

I submit that there can be no substance in such an argument. They performed the same tasks, were regarded as the same officials

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and held the same authority and influence as those whom they replaced.

(4) It is suggested that there was no "corps" or organisation of Political Leaders; but the evidence shows that Politische Leiter of all classes formed a close and well-defined Corps. They are described as a "corps" in the Organisation Book. Together they had a common purpose:

PS 1893
US 323

PS 1893
US 323

> "the complete penetration of the German nation with the National Socialist spirit."

They wore a common uniform. They were issued with a common identity card - common to themselves but distinct from the rest of the population. Yearly they took their common oath to their Fuehrer:

PS 1893
US 323

> "I pledge eternal allegiance to Adolf Hitler. I pledge unconditional obedience to him and the Fuehrers appointed by him."

And, as the Organisation Book says of each one of them:

> "The Political Leader is inseparably tied to the ideology and the organisation of the NSDAP."

(5) There is one further matter upon which I ought to say a word of explanation. It has been argued by the Defence that a great number of the Amtsleiter on the staffs of the various Hoheitstrager ought not to be included in any declaration of criminality that you make against the Corps of Political Leaders. In the same way as the Blockleiters were said to be innocent, harmless messenger boys, so, too, it is said that these Amtsleiter were harmless and innocent expert advisers to their respective Gau-, Kreis- or Ortsgruppenleiter. They may have been expert advisers, but they were much more besides, and they certainly were neither innocent nor harmless. They were properly appointed political leaders - persons who were "completely politically reliable" and supporters of the Nazi Party. All of them, just as the Hoheitstrager themselves, took their annual oath of allegiance binding them in blind

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obedience to their Fuehrer. All of them, although naturally they received their instructions concerning their particular fields of activity from the State Department to which they belonged, nevertheless were subject to the orders of their Hoheitstrager upon all political matters and in all matters of Party discipline. You may think that these men exercised as dangerous an influence as any other political leader because between them they were in closest contact with all grades of society and in all professions and trades. We have not documents directly implicating every class of these so-called non-political political leaders but a great many are directly involved by the documents you have seen. I will not enumerate them now. I shall draw your attention to them as I discuss the evidence. It is the submission of the Prosecution that from that evidence and from the general evidence of the conditions in Germany and of the influence of the Political Leaders, you are entitled and, indeed, compelled to draw the inference that if the purpose and activity of that Organisation was criminal, then every member of the staffs of the Gau, Kreis and Ortsgruppen ought to be included. Let it not be thought that because we have deliberately excluded those members of the Ortsgruppenleiters' staffs, we have done so on account of their innocence. That decision was taken for practical rather than any other reasons and it may well be that that decision is wrong.

It has been suggested by the Defence that there were officials in the various Party organisations such as the DAF, NSV, Students and Womens organisations who were also known as Politische Leiter. Their numbers are given as one and a half million. Let me once again make it clear that if such political leaders existed the Prosecution do not seek a declaration of criminality against them. We include only Reichsleiters, Gauleiters, Kreisleiters, Ortsgruppenleiters, Zellenleiters and Blockleiters and the Amtsleiters or heads of offices on the staffs of the Reichsleitung,

ol Ldrs
Doc No.10.

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Gauleitung and Kreisleitung - those political leaders who, organised on a geographical basis, were responsible for the political control of the people and the execution and administration of Nazi policy. All others are excluded.

You have had a schedule showing the numbers that are thus involved. According to the Party Organisation Book for 1943 they number 600,000. It is said by the Defence that that figure allows for no replacements and that the total figure of all who have at any time held these positions is much greater. Upon that I make two points. First, the figures given in the Organisation Book show the maximum establishment allowed for each Gau and Kreis. In practice not all those offices were filled - in urban districts there would be no Agricultural Amt: in Gaus where there were no Universities there would be no Political Amtsleiter for university teachers. Secondly, the 1943 figure of 600,000 includes the Political Leaders of nine foreign Gaus - six Austrian, two Polish and one in the Sudetenland - none of which had existed before 1938, so that during the first five years of the Nazi regime the total possible number of Political Leaders must have been considerably less than 600,000. The extract submitted by the Defence from the pamphlet "Der Hoheitstrager" illustrates the increase which took place in the Hoheitstrager alone between 1935 and 1939: the figure rose from 291,671 to 581,650. In view of these considerations it is submitted that, allowing for replacements, the total number of persons who at any time held those positions in the Corps of Political Leaders which we include for the purposes of a declaration of criminality cannot have greatly exceeded the figure of 600,000 which we have submitted. And it was those men and women who constituted the very core of the National Socialism which led the 48 million voters of Germany in the ways and to the end which we have seen.

Pol Ldrs Doc No.10

Let us consider the evidence against them under its main headings. We will see not only how they themselves directly participated in crime but also how they actively and knowingly assisted and co-operated with the other organisations in the execution of their common criminal purpose.

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Control of the State

Bormann writing to Gauleiters in June 1941 stated:

D 75
US 348

> "For the first time in German history the Fuehrer consciously and completely has the leadership of the people in his own hand."

We see one of the ways in which the Leadership Corps assisted in putting the leadership of the people into the Fuehrer's own hand from the evidence of the Political Leaders' activity during the voting in 1936 and 1938, and we see here the participation of all ranks of Political Leaders.

We have a complete file from the Kreis of Erfurt, Thuringia, in connection with the plebiscite of 1938. Stuetzpunktleiters were to report beforehand all persons in their district whom they might assume with certainty would vote "no". The orders were issued by the SD jointly to the Stuetzpunktleiters and to all heads of sections of the Security Service. The heads of sections were to support the Stuetzpunktleiters locally as much as possible. It was said by the Defence that the Stuetzpunktleiters referred to in that file were Stuetzpunktleiters of the S.D. and not of the Political Leadership. Even if you accept that explanation it makes no difference for it was expressly stated that the whole matter was to be "carried out with closest collaboration with the Ortsgruppenleiters of the Party." The Political Leaders could hardly have had any doubts as to what was in store for the people whom they reported when the orders contain the significant paragraph:

D 897
GB 541

Tr 14770

D 897
GB 541

> "The tremendous responsibility which the Stuetzpunktleiters have, in particular with regard to this report, is stressed once more. The Stuetzpunktleiters must clearly understand the potential consequences for the persons contained in their report."

H2741 - 0023

The Tribunal will remember the reports that were rendered by the SD after the plebiscite had taken place showing the means

D 897
GB 541

by which the voting papers of suspected persons were checked by the use of skimmed milk and colourless typewriters. You will remember also the methods employed to force doubtful supporters of the Party to vote:

D 902
p.3.
GB 542

"The wife of the Jew Bielschowski who was dragged along just before closing time and voted "no" as can be proved."

D 902
p.9.

"The labourer Otto Wiegand had to be requested four times to record his vote on the day of the election and finally only voted under force."

D 902
p.9.

"The husband....recorded his vote. To be sure this was probably exclusively for fear of renewed arrest."

And yet again in what must be, perhaps, one of the most dreadful documents in all this trial:

D 897
p.6.
GB 541

"The Jehovah's witness Robert Siering and his wife deposited their vote after both had been advised of their duty to vote by the police in Griefstedt and had been threatened with the removal of their child in case of non-participation."

No one can pretend that these things were happening only in

R 142
US 481

Erfurt. In the Gau Coblenz the Kreisgeschaftsfuehrer of Kochem "where supervisory control was ordered in several Ortsgruppen" assured the SD that it was mostly women who voted "no" or invalidly.

In Rothenburg the Party carried out demonstrations against the Bishop who had refused to vote, demonstrations which Mr. Justice Jackson so vividly described in his opening speech.(1)

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(1) "The action got completely out of hand of the Party member responsible for it. The demonstrators stormed the Palace, beat in the gates and doors. About 150 to 200 people forced their way

PS 848
US 353

into the Palace, searched the rooms, threw files out of the window.. One bed was ignited. The Bishop was with Archbishop Groeber of Freiburg and the ladies and gentlemen of his menage in the chapel at prayer. About 25 to 30 people pressed into this chapel and molested those present. Archbishop Grober was taken for Bishop Sproll. He was grabbed by the robe and dragged back and forth."

H2741 - 0024

D 43
GB 540

Nor was it only in the 1938 plebiscite that the Political Leadership was active. It will be remembered that in Bremen, Kreisleiters, Ortsgruppenleiters and Stuetzpunktleiters were concerned in reporting all civil servants who did not vote in the election which took place on 29 March 1936.

Dr. Servatius brushes this evidence aside with a comment for which there is no scrap of evidence in support. He says:

Tr 6082

> "It is shown that the commanding agency of the Party in no way enters into action. These are merely individual measures of other agencies. No general practice or knowledge can be deduced from that."

It is unnecessary for me to say more.

H2741 - 0025

The control and supervision of the German people was as much the task of the Political Leaders as of the SD. and Gestapo. Of all the Political Leaders the Blockleiters were the most essential for this purpose. They kept their index cards of every householders, index cards which formed the basis of the "political judgment," which the Blockleiter, Zellenleiter and Ortsgruppenleiters, in co-operation with each other, were to pronounce. Again and again the Defence both before the Commission and before the Tribunal have bridled at and denied the suggestion that Blockleiters were used as spies. But what else were they when their index cards were to be completed from information which they would "have sufficient opportunity to obtain by means of conversations with the Germans?" They too were urged to make certain of the accuracy of their reports.

D.901 A
GB.546

D.901 A
GB.546

There is other evidence to show this wretched role the Blockleiters played. In the Party Organization book the Blockleiter is directed that:

PS.1893
p.14
US.323

> "it is his duty to find people disseminating damaging rumours and to report them to the Ortsgruppe so that they may be reported to the respective State authorities."

We see him spying again when we review the evidence of the Political Leaders parts in the persecution of the Churches. In co-operation with the Gestapo and SD the Political Leaders from the highest to the lowest took active part in suppressing the influence of the Churches. How can we doubt that it was the generally accepted policy of all Political Leaders when, whatever Hitler may have said in the Party Programme about a "positive Christianity," Bormann was writing to the Gauleiters in 1941 after his notorious denunciation of Christianity:

"National Socialist and Christian concepts are irreconcilable"

Gauleiter Kaufman was at pains to explain that that directive had been withdrawn a week later. But there is no mention of such withdrawal in the letter from the SD. concerning it written 6 months later in December 1941. And you may think that it is remarkably similar to the policy

H2741 - 0026

of the Fuehrer's Deputy Hess, as it was explained to Rosenberg 2 months earlier in April 1941:

PS.070
US.349

> "We are inducing schools more and more to reduce and abolish religious morning services. Similarly the confessional and general prayers in several parts of the Reich have already been replaced by National Socialist mottoes."

There is abundant other evidence of the policy being pursued by the higher ranks of the Political Leaders in regard to the Church, with which I need not worry the Tribunal. Let me confine myself to the lowest ranks, the Ortsgruppenleiters, Blockleiters and Zellenleiters. You will remember the file of reports for February 1939 of the Ortsgruppenleiters in Darmstadt on ecclesiastical questions.

D.901
p.1
GB.536

> "Blockleiter and Party member Kiel informs me that meetings of the confessional front are again taking place."

And another one in connection with a Pastor Strack:

D.901
p.1.
GB.536

> "This gentleman should really be rapped on the knuckles seriously for once."

You will remember also the action taken by the Kreisleiter on those reports. The SD. and the Gestapo were informed about the confessional front meetings reported by the Blockleiters. So also was the unfortunate Pastor Strack, the priest who was:

> "sufficiently well-known and ripe for the concentration camp or special court."

Can you doubt that it was also the Blockleiters and Zellenleiters in Thuringia who would have had to make the reports required on the way in which the results of the 1938 plebiscite were received by the people "particularly in small towns and villages?"

D.897
p.2.
GB.541

Who else but Blockleiters and Zellenleiters would be employed to find out what the Catholic and Protestant Clergy were saying about the Anschluss during their services? Who else but they were in a position to report whether the Church bells were rung in the evening after the Anschluss speech in Vienna?

D.897
p.2.
GB.541

H2741 - 0027

MS 1507
MB 535

Lastly upon this subject you have the evidence of dmonstrations being organized to disrupt the service in Freising Church in 1935 in which the Kreisleiterin of the Nazi Party Womens' organization was taking a leading part.

It was only by acquiring complete control of the state and of the people that the Nazi Government were enabled to carry out its criminal aims. The Political Leaders were an essential element in the acquisition of this control. They supported and executed the orders of a government which they knew from the first pursued policies which were wrong by methods that were criminal. All knew of their avowed purpose to persecute the Jews. All knew of the Gestapo, the Concentration Camps and the Nazi practice of arrest and incarceration without trial. Yet they continued actively to support that Government and to tighten its stranglehold upon the German people. The whole of Dr. Servatius' argument as to the position of the Political leaders after 1933 shows the grip in which Germany was held by the iron framework of the Party - a political "Iron Maiden" squeezing a people to their death.

H2741 - 0028

Jews

When the persecution of the Jews was an openly recognised policy and practice of the Nazi Party, the fact that men voluntarily served their Party in an executive position is in itself sufficient to prove their participation in criminal activity. But we have concrete evidence of the direct participation in the persecution of the Jews by Political Leaders - and again, by Political Leaders of all ranks. Within less than a year of the Nazi Government coming to power there is evidence that the Corps of Political Leaders were inciting the people of Germany to persecute the Jews. It is hardly possible to imagine that in a civilized State in the year 1933 instructions should be issued to the Political Leaders under the title "Jew Baiting". Yet that was happening. Kreisleiters in Gau Coblenz were to check lists of Jewish firms and businesses in their district. Once again the importance of accuracy is emphasized. Committees were to be set up within the various Kreis, Ortsgruppen and Stuetzpunkten which had "the task of directing and supervising the communities" in Jew baiting. They were to continue the policy which had been inaugurated by the Party with the boycott in April of that year:

S 374
S 729

> "The Kreisleiter will point out in all gatherings of members or in all public gatherings that the Jew in all countries is again carrying on a low attack which is greatly harmful to Germany. It must be made clear to the masses that no German may buy from a Jew."

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In view of this evidence; in view of Dr. Servatius' admission that there was no objection on the part of the Political Leaders to the Nuremberg Decrees and that they welcomed measures which tended to restrict the influence of the Jews; in view of the part we know they played in the 1938 demonstrations, can there be any doubt that throughout those years they were actively participating in the continuous slander and persecution of the Jewish people? It would be strange indeed were it not so when we see Heydrich's order to the SD issued on the night of 9/10 November 1938:

3051
S 240
r.24710

> "The Chiefs of the State Police or their deputies must get in telephonic contact with the Political Leaders (Gauleitung or Kreisleitung) who have jurisdiction over their districts and have to arrange a joint meeting with the appropriate inspector or commander of the Ordnungspolizei to discuss the organization of the demonstration. At these discussions the Political Leaders have to be informed that the German Police have received from the Reichsfuhrer SS the following instructions, in accordance with which the Political Leaders should adjust their own measures."

H2741 - 0029

It is indeed curious that those instructions should have been issued if all the Gauleiters had been so strongly opposed to such measures as Gauleiters Kaufmann, Streicher, Sauckel and Wahl say they were.

Whatever these witnesses you have heard may say of the attitude
3058 of the Political Leaders at those demonstrations, we know that 36 Jews
3068 were killed. Of those 36 killed, 4 were murdered either by Ortsgruppenleiters or Blockleiters. It was a Court composed of Gauleiters and
3063 other Political Leaders who saw fit to suspend or pronounce only minor
352 punishments in the case of all the murders committed during those demonstrations by members of the Party, the SS, the SA, and of the Corps of Political Leaders. And for what reasons!

> "In such cases as when Jews were killed without an order or contrary to orders, ignoble motives could n
> not be determined. At heart the men were convinced
> that they had done a service to their Fuhrer and to
> the Party."

If those witnesses for the Defence that you have heard here did not understand who was responsible for those demonstrations, it was perfectly clear to the members of the Supreme Party Court.

In France lists of Jews for "collective expatriation" - which meant, of course, deportation to the East - were made out in agreement with the Hoheitstrager. But knowledge of these deportations and of
SC 256 the treatment of Jews in the occupied territories was not confined to
UK 1504 the Political Leaders in France. The August 1944 edition of the information circular, "Die Lage", contained exact particulars of what was happening in Hungary.

> "It was a matter of course that the German offices in Hungary did everything possible after March 19th to eliminate the Jewish element as rapidly and as completely as was at all possible. In view of the proximity of the Russian front, they commenced with the cleaning up of the north-eastern area where the Jewish element was the strongest numerically. Then the Jews were collected in the remaining Hungarian
> D 908 provinces and transported to Germany or German con-
> GB 534 trolled territories... 100,000 Jews remained in the hands of the Hungarians to be employed in labour battalions. By the appointed day, the 9th July, the Hungarian provinces

> were without any Jews. Here remarkable consistency and severity were used in the shortest possible time."

We do not know who received copies of that paper but we do know that

Tr. 14723 Doenitz contributed and that Gauleiter Kaufmann "might have received it". Moreover, it appears from what has been written on the copy we possess that that copy found its way to the NSDAP in the village of Höchen near Aachen. Doenitz must have known what it contained; so must every other high-ranking Nazi official. Did Kaufmann and all his fellow Gauleiters know nothing of this hideous policy that their Nazi Government were pursuing ? They say so, but they lie. Will you look at Document 49 of the document book which has been submitted in defence of the Corps of Political Leaders. It is a confidential information bulletin issued by the Nazi Party from the Party Chancellery on 9th October 1942.

Def. Doc. 49. Doc. Bk. 1 p. 53 It deals with the preparatory measures for the final solution of the Jewish question in Europe and rumours concerning the conditions of the Jews in the East. It is a document which bears in the margin the remark "Open only for G and K" which may mean for Gau and Kreis. But it shows beyond all question that knowledge of these things went far below Kreis. Listen to what it says:

> "While the final solution of the Jewish question is being worked out, discussions are lately going on among the population of various parts of the Reich territory concerning "very severe measures" against the Jews, particularly those in the Eastern territories. Investigations have shown that such statements - mostly in distorted or exaggerated form - were passed on by men on leave from various units employed in the East who personally had the opportunity to observe such measures."

You may think after what you have heard that it was not possible to exaggerate the "very severe measures" which the soldiers on leave from the East were discussing - and must have been discussing ever since September 1941 in every village and homestead throughout Germany. But even if they were exaggerated, they are not denied. The article, which

H2741 - 0030

H2741 - 0031

is appended as a footnote, (1) makes 5 main points:

a) The measures carried out up to that date, namely, elimination of Jews from the various walks of the German people, and expelling the Jews completely from Reich territory were no longer possible by emigration.

FOOTNOTE:

(1) "It is conceivable that not all fellow citizens (Volgenossen) might be able to understand sufficiently the necessity for such measures, particularly not those parts of the population who have no opportunity to draw a picture o the Bolshevist horror from their own observation. In order to be able to oppose the formation of any kind of rumours in this connection, which often have a distinctly marked tendency, the following statements on the present state of affairs are made:

Def. Doc. 49 Doc. Bk. 1 p. 53

For about 2,000 years a so far unsuccessful fight has been carried on against Jewry. It was only in 1933 that we began to seek means and ways which will make possible a complete separation of Jewry from the body of the German people. The measures hitherto carried out for a solution can essentially be subdivided as follows:

1. <u>The elimination of the Jews from the various walks of the German people</u>
Here the laws proclaimed by the legislator are to constitute the foundation guaranteeing to protect also the future generations against a possible new overflowing by the enemy.

2. <u>The effort to expel the enemy completely from the Reich territory</u>
In view of the only very limited living space (Lebensraum) available for the German people it was hoped to solve this problem essentially by accelerating the emigration of the Jews.

Since the beginning of the war in 1939 these opportunities for emigration decreased steadily and, on the other hand, apart from the German people's living space, its economic sphere increased steadily so that today in view of the great number of Jews residing in these territories, their complete elimination is no longer possible by emigration. Since even our next generation will no longer regard this question as so vital, and by virtue of the past experiences, will no longer see it clearly enough and because the matter which after all has been started, presses for a settlement, the entire problem must yet be solved by this generation.

Therefore, the complete segregation and elimination of the millions of Jews residing in the European economic sphere remains a compelling necessity in the German people's struggle for existence. Starting with the Reich territory and then going over to the other European countries included in the final solution, the Jews will in a steady flow be shipped to the East into large camps which partly exist and which partly will have yet to be set up, from where they will be either used for labour or sent still further to the East. Old Jews as well as Jews with high war decorations (Iron Cross First Class, Golden Badge for Bravery etc.) will in a steady stream be resettled in the city of Theresienstadt located in the Protectorate of Bohemia and Moravia. It is in the nature of the matter that these partly very difficult problems will in the interests of the final protection of our people only be solved with ruthless severity."

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b) The next generation will no longer consider this question as so vital Therefore the problem must be served by this generation.

c) The complete segregation and elimination of the millions of Jews residing in the European economic sphere remains a compelling necessity of the German peoples' struggle for existence.

d) Starting with the Reichs territory and then going over to the other European countries included in the final solution the Jews will in a steady plan be shipped to the East into large camps ... from where they will be either used for labour or sent still further to the East.

e) These very difficult problems will only be solved with ruthless severity.

If they still deny knowledge of the real fate that awaited these Jews, not one of these defendants, not one of the witnesses who have given evidence before you or before your Commissioners, not one of the members of these Organizations can deny knowledge of their deportation. And what could they have thought the meaning of the phrase:

> "Their complete elimination is no longer possible by emigration" ?

On the mildest interpretation, this treatment of Jews in occupied territory is a war crime. The Leadership Corps is being mobilised to ensure that public opinion will not only condone, but support and encourage this war crime. If there were nothing else, this would stamp it as criminal.

But it does not stop there.

H2741 - 0033

Political Leaders in the Occupied Territories.

In the occupied territories the Corps of Political Leaders were as responsible as any others for the crimes committed against the local

USSR 449 population. Frick on 16 December 1941 in giving Rainer his instructions on his appointment as Gauleiter of Carinthia urged him in the strongest terms to Germanize the Slovenes in the incorporated territory and eradicate the Sloveric language.(1) "We strongly contest the suggest of Dr.

I.M.T. Final Def. Speech 36 Servatius that it was admissible to Germanize former German nations. The claim to Germanize any Slav who was held in the old Empire has only to be stated for its preposterous character to be seen."

Gauleiters by themselves could not execute such orders. Their sub-

USSR 143 ordinates had to play their part. You will remember the instructions of 30th April 1942 issued by the Kreisleiter in Pettau to all Ortsgruppen leiters for the removal of all Slovenian inscriptions from all religious and lay sites. (2)

We know that the business discussed at the Gauleiters' Staff Conferences at Marburg included the transfer to Serbia of 2,000, the placing of hundreds in concentration camps and retaliatory shootings. In June of

USSR 191 1942, when the subject was the evacuation of the prison of Cilli it is stated that the prisoners were to be transferred or shot to create the necessary space for a large scale operation. On 13 July half of the 40 arrested are to be rendered harmless through delivery to a concentration camp or shooting. A similar incident, including this time the shooting of a priest, is told in the Minutes for March.(3)

USSR 9 (1) "All these tasks are crowded into the background by the decisive question of national integration of the line south of the Karawanks. This mission has been the guide of your action...Party Member Rainer, it will be your mission to make this country again completely German...The German language has to come more and more into the foreground in public life...In school the youth should receive German education at once...Only when, not only the exterior picture, official signs, official language and labels are German, but when finally the entire youth speaks German and the German language has replaced the Slovenic language in the intimate circle of the family will we be able to speak of a Germanization of Upper Karniola."

USSR 143 (2) "With the order for immediate notification down to the last Blockleiter during the next service meetings...I request to charge the Blockleiters again to see to the removal of all Slovenian inscriptions, billboards, posters etc. The district Pettau is the only one which already has all house number plates in the German language. Therefore it must also be possible to cause the disappearance of these last remnants of Yugoslavian domination. I order the Ortsgruppenleiters to see to it through personal conversation with the competent priest that these Slovenian inscriptions will also disappear immediately without exception from all statues, chapels and churches...The Ortsgruppenleiters are responsible as before that every office holder down to the last Blockleiter learns to speak and write German."

H2741 - 0034

L 316
US 346

In Poland, too, the Political Leaders are cooperating in the appalling treatment of the local people. A letter from the Reich Security H.Q. in November 1942 to the directors of the SD Sections informs them of the iniquitous agreement between Himmler and Thierack by which a trial is to be denied to Poles, Eastern Nationals, Jews and Gypsies. It is based on the impudent theory that they are inferior people living in the German Reichs territory. What is interesting to this argument is that there is to be no hesitation in informing the Gauleiter. What possible need could there be to inform the latter unless it was that his assistance and co-operation might be required? (4)

USSR 191 (3) Extract from Minutes of Staff Conference 12 November 1941.

"SS Col. Lurker alleges that about 2,000 persons were transferred to Serbia, 400 persons were put into concentration camps... As a retaliator measure for the last occurrences about 30 persons were shot."

Extract from Minutes of Staff Conference 29 July 1942.

"In the County of Cilli 105 executions by shooting and 362 arrests were carried out.... The Commander of the Security police will evacuate the prison in Cilli in the course of the next two weeks. The prisoners are in part to be transferred to other prisons, in part to be shot. In this way the necessary space will be created for the carrying out of a new large-scale operation."

USSR 191 Extract from Minutes of Staff Conference 13 July 1942.

"It can be counted on that half of those arrested or about 200 persons, will be rendered harmless through delivery to a concentration camp or through shooting."

Extract from Minutes of Staff Conference 15 March 194[illegible].

"On 10 March 1943 25 active bandits were shot in Marburg by special procedure including a Catholic priest. 160 relatives of the bandits were transferred."

L 316
US 346 (4)"The Reich Fuhrer SS has come to an arrangement with the Reich Minister of Justice, Thierack, whereby the Justice waives the execution of the usual penal procedure against Poles and Eastern Nationals. Those person of alien race are in future to be handed over to the Police. Jews and gypsies are to be treated in the same way... This agreement is based onthe following considerations: Poles and Eastern Nationals are alien and racially inferior people living in the German Reich territory... In case of need, however, there need be no hesitation in informing the Gauleiter in suitable form."

I pass to consider the evidence in connection with slave labour which shows perhaps more clearly than the evidence we have in respect of any other particular crime, how deeply every branch of the Corps of Political Leaders was involved. Every witness that has been called by the Defence has denied all knowledge of or participation in the mistreatment of foreign labourers but what is such evidence worth when you consider the documents which have been presented? The treatment of Polish agricultural workers, for whose care the Bauernführers on the staffs of the Gau, Kreis and Ortsgruppenleiters were particularly responsible can be seen from the instructions

EC 68
US 205

issued to the Kreisbauernschaften in Karlsruhe in March 1941. They were instructions which were issued as a result of negotiations between the State Peasant Association of Baden and the Higher SS and Police Officer in Stuttgart and they were received with "great satisfaction". The Polish labourer was no longer to have any right to complain. He was prohibited transport, entertainment and religious worship; he was forbidden to change his employment; there were to be no time limits to his working hours.

> "Every employer has the right to give corporal punishment towards farm workers of Polish nationality....The employer may not be held accountable in any such case by an official agency. Farm workers of Polish nationality should, if possible, be removed from the community of the home and they can be quartered in stables, etc. No remorse whatever should restrict such action".

Can it really be possible that instructions of that nature were issued in Karlsruhe and nowhere else? Is it possible that while the Poles in Baden were being treated like animals, in the next door Gau they were being accepted as members of the family? This is the evidence of the witness Mohr called on behalf of the Bauernführers before the Commission:

Comm.Tr. 1444

> "In practically all cases, I think with very few exceptions, the foreign labourer was accepted in the farmer's family unit. He ate with the family and moved around in the circle of the farmer's family."

In the industrial areas the responsibility for the care of foreign workers was in the hands of the DAF Political Leaders. Sauckel had decreed in March 1942:

H2741 - 0035

"The food supply for the industrial workers in transit within the Reich is the duty of the DAF....The care for the foreign workers employed in the Reich will be carried out...by the DAF in the case of non-farm labourers..... All camps with foreign non-agrarian workers, regardless of who furnishes or maintains the camps, will be cared for by the DAF...In the German Gaus, the Gauleiters will have the rights of inspections and controls of the execution of these orders".

PS 3044
US 206

It is unnecessary to remind you of the appalling conditions in which the workers of Essen barely existed. Once again I ask: is it possible that the Gauleiters, Kreisleiters, Ortsgruppenleiters, Zell and Blockleiters and the Political Leaders of the DAF in Essen were unaware of these conditions when the hutments in which the workers lived and the punishment cells in which they were confined and tortured are situated, as the photographs show, in the very grounds of the Krupp foundries and workshops; with the works railway running within a few feet of their doors; and with the Krupp cranes stretching almost above their roofs?

D 382
US 897

It is said that if indeed any such conditions did exist in Essen, they were exceptional and due only to the chaos caused by Allied bombing. But it is not so. Before the bombing of Essen had started, the Office Chief of Krupps Locomotive Construction Works was complaining that

"the people came in the morning without bread and tools. During both breaks the prisoners of war crept up to the German workers and begged for bread, pitifully pointing out their hunger".

D 361
US 893

He went to the kitchens to try and find them food:

"Since a few Russians had collapsed already, I telephoned Fraulein Block and asked for an increase in the food as the special ration had ceased from the second day onwards. As my telephone conversation was unsuccessful, I again visited Fraulein Block personally. Fraulein Block refused in a very abrupt manner to give any further special ration".

Fraulein Block did not let the matter rest there. She reported it to the DAF who requested the Krupp's Office Chief to go and see them. The DAF representative

"Accused me, gesticulating in a very insulting manner, saying that I had taken the part of the Bolsheviks in too apparent a way. He referred to the law paragraphs of the Reich Government which spoke against it...I then tried to make it clear with special emphasis that the

D 361
US 893

H2741 - 0036

Russian Ps.W. were assigned to us as workers and not as Bolsheviks. The people were starved and were not in a position to perform the heavy work in boiler making which they were supposed to do. ~~Sick people are a liability~~ to us and not a help to production. To this remark Herr Prior stated that if one was worth nothing then another was, that the Bolsheviks were soulless people and if 100,000 of them died another 100,000 would replace them".

Nor can it be true that these conditions and this treatment were confined only to Essen. In March 1943 Goebbels found it necessary to hold a conference on the question of increasing production. The minutes of that conference report:-

PS 315

"The hitherto prevailing treatment of the Eastern workers has led not only to diminished production but has most disadvantageously influenced the political orientation of the people in conquered Eastern Territories and has resulted in the well-known difficulties for our troops....The treatment of foreigners which, until now, was markedly different for subjects of Western and Eastern Countries, will be put on a uniform basis as much as possible, particularly the living standards of the Eastern workers will be raised".

We see from those minutes the attitude of the Party Chancellery - the Party Chancellery from which the Corps of Political Leaders received their orders. Its representative

"pointed out the controversies which are already appearing and which would result for the German population if more freedom were granted for the foreigners".

But the need for increased war production was all important, and, notwithstanding the fears his representative had expressed at the meeting in March, on the 5th May 1943 Bormann issued from the Party Chancellery a memorandum to all Reichsleiters, Gauleiters, Verbandefuhrers, Kreisleiters and Ortsgruppenleiters. They were instructed that the treatment of foreign labourers should become more human although at the same time it was

PS 205

"demanded by members of the German race that they observe the difference between themselves and foreign nationals as a patriotic duty...Injustices, insults, trickery, mistreatment, etc., must be discontinued. Punishment by beating is forbidden".

Does not that document illustrate the utter lie that every one of these witnesses for the defence has told? Does it not show more clearly perhaps than any other document the savage brutality with

H2741-0037

which the Political Leaders of the National Socialist Party were encouraging the people of Germany? Is it not almost beyond our comprehension that in these days of enlightenment in a great and civilized country orders should have been necessary from the Government to its political leaders to discontinue the mistreatment of men and women that they had deported into slavery? Is it not inconceivable that it should have been necessary to forbid their political leaders and their employers to beat the men and women working for them?

Lastly upon this aspect of the case, you will remember the
D 884 instructions issued by the Gaustabsamtsleiter issued from Strasbourg in the Gau Baden-Alsace. Foreign women workers induced to sexual intercourse by Germans were to be taken temporarily into protective custody and then sent to another place of work.

> "In other cases the foreign female worker will be sent to a concentration camp for women".

Their children, if they were racially satisfactory and hereditarily healthy, were to be seized from them immediately after birth to

> "go to homes for foreign childrento be looked after by the National Socialist Welfare organisation."

The provisions of that order do little more than add a detail to the evidence we already have of the callous brutality which was prescribed by the Party for the treatment of foreign workers. But it is an important document because it shows how many branches of the Political Leaders were involved in this trafficking in slaves. Kreisleiters and the Kreisobmann of the German Labour front were to report cases of pregnancy. In fact, as one might expect, it was the Ortsgruppenleiters that made the necessary enquiries. As well as the DAF and NSV, the order was circulated to the Gau Propaganda leiter, the Gau Press leiter, the Gauamtsleiters for Racial Policy, for National Health, for Peasantry, for National Welfare, for questions of race, the Gau Political Leader of the National Socialist Women's Organisation and to similar staff officers on the Kreisleiters' staff. It is perhaps worth noting the action - or as it might more accurately be described, the lack of

H2741 -0038

H2741 - 0039

action - which the National Socialist Welfare Organisation took -

D 884.

> "As far as I can find out up to now", reports the Kreisleiter of Villigen, "there have been about 21 pregnancies, of these 4 abortions are said to have been carried out, during which 2 of the women died. Of the remaining 17 births, 5 were stillborn. Welfare by the NSV has not taken place anywhere."

You see once again the Corps of Political Leaders working hand in hand with the Security Police and the SD and the Reich Commissar for the consolidation of the German race, another institution over which Himmler reigned supreme.

On this subject it would almost be enough to say: It is admitted by Dr. Servatius that the Political Leaders knew that the majority of the workers were forced. It is submitted that they supervised the condition of that labour. Thereafter res ipsa loquitur.

H2741 - 0040

Euthanasia

The Attorney General has already addressed you upon the vast scale on which the murder of sick and aged persons was carried out. That "action" commenced some time in the Summer of 1940 but long before then in pursuance of their racial policy the Nazi Government were taking steps to improve the German race. One document we have dated January 1937 is illuminating upon the part the Political Leaders were expected to take. It is a letter from the Gauleiter of Westfalen Sou[illegible] setting out Hess's decree of the 14th January 1937:

> "The question whether the person is an imbecile cannot be ascertained solely by carrying out an intelligence test but requires detailed evaluation of the whole personality
> 281 of the human being. This review shall not only take into
> 528 consideration the knowledge and intellectual abilities of the imbecile but also his ethical, moral and political attitude. A number of civil service doctors have, up to date, attached little importance to the reviewing of the personality as a whole. They have, up to now, hardly ever called for or used information regarding the political conduct of the supposed patient. Now that the Party, by virtue of the decree of the Reich and Prussian Minister of the Interior, is consulted in the proceedings, on matters of hereditary diseases against Party members, it is the task of all Gauleiters to ascertain that the law regarding hereditary health will in fact be used in the sense in which it was designed .... He must investigate whether the person about to be sterilized has achieved very outstanding merits for the National Socialist movement. If the Gauleiter reaches this conviction and feels that he must use his influence to prevent the sterilization, he will report to this department."

It needs little imagination to see the abuses to which a decree such as that might be put, abuses which might well be proved a convenient weapon for the Nazi Party. That letter from a Gauleiter went to all Gauamtsleiters, Gau Inspectors and Kreisleiters in his Gau. From the fact that it is stated that the Department for National Health was to carry out preparations for cases to be put before the Gauleiter, it is clear that the Amtsleiters for that Department of National Health were also closely involved.

You will remember the evidence of the extent to which mercy killing became general knowledge within a few months of its commencement.

M 152 By July 1940 Bishop Worm was writing to Frick. In August he was writing
EB 530 to the Minister of Justice. In September, having attained no satisfaction he was writing again both to Frick and to the Minister of Justice.

H2741 - 0041

Bishop Wurm was talking about events in Württemburg. They were not confined to Württemberg, to Stuttgart and Nauenberg. Several hundred miles away the same thing was happening in Stettin, as

M 151
GB 529

the letters of the Stettin supervisor to the Ministry of Justice

M 621
GB 715

and to Lammers of 6 September 1940, and Lammers' letter to the Minister of Justice of 2 October 1940 indicate. By August of next year the same thing was happening around Wiesbaden, as we

PS 615
US 717

see from the Bishop of Limbourg's letter to Frick, the Minister of Justice, and the Minister for Church Affairs. It was happening in Franconia also, and we happen to have a file which shows the part the Political Leaders of Franconia were taking. Can one doubt, when one reads those letters, that the same thing must have been happening in every other area in Germany where these murderous commissions were at work? Bormann writes to the Gauleiter of Franconia and one of his Kreisleiters on 24 September 1940:

D 906
No.2.

> "It is natural that the representatives of Christian ideology speak against the Commission's measures: it must be equally natural that all Party offices should, as far as necessary, support the work of the Commission."

How can Dr. Servatius say of this evidence that it shows the Political Leaders had no part in the carrying out of these

Tr 16084

measures and that they had no knowledge of them? That one sentence from Bormann's letter is alone sufficient to justify a declaration of criminality against the Corps of Political Leaders, the corps which provided the heads of the Party offices which were to support those commissions.

It was questioned during the cross-examination of the Defence witnesses for the Corps of Political Leaders as to whether this crime of euthanasia came within the jurisdiction of

PS 1556
US 716

this Tribunal under paragraph 6 of the Charter. Surely there can be no serious doubt that the murder of 270,000 persons is a crime against humanity. 270,000 corpses may pale into insignificance beside the slaughter in the occupied territories

H2741 - 0042

and the concentration camps; it is, nevertheless, a crime of almost unimagin ble proportions. Neither can there be any doubt that it was a crime committed in connection with aggressive war. From Bishop Wurm's letter to Frick on 19 July 1940 we learn that these murders were taking place on the orders of the Reich D fence Council. Goering, Keitel, Frick, Raeder, Funk, Hess and Ribbentrop were members of the Reich Defence Council. When the Bishop wrote again on 5th September 1940 he stated:

M 152
p.1.
GB 530

PS 2194

(10,443)

M 152 p.6
GB 530

"If the leadership of the State is convinced that it is a question of an inevitable war measure, why does it not issue a decree with legal force" ?

The purpose of these crimes is clear as it was clear to the Catholic population of Absburg whom the Ortsgruppenleiter reported as asserting:

D 906
No.7

"The State must be in a bad way now or it could not happen that these poor people should simply be sent to their death solely in order that the means which until now have been used for the upkeep of these people may be made available for the prosecution of the war."

I merely remind the Tribunal in the shortest terms of Bormann's

D 906
No.2

remarks as to similarly worded letters to various families;(1) of the Gaustabsamtsleiter of Nuremburg demanding notification in a more clever

D 906
No.1

form when 30,000 had been despatched and four times as many were waiting;(2)

D 906
No.3

of the doubts of the Kreisleiter of Erlangen;(3) of the grave difficulties

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FOOTNOTES:

D 906
No.2

(1) "The text of the notifications is being variously worded, as I was once more assured yesterday; it can, however, naturally happen that sometimes two families living close to each other receive similarly worded letters."

D 906
No.1

(2) "Action begins in the near future. So far hardly any mishaps have occurred. 30,000 dispatched. Further 100,000 to 120,000 are waiting. The circle of those who are initiated is to be kept very small. If necessary the Kreisleiter is to be notified in good time ..... At present only clear cases, that is 100% ones, are being settled. Later an expansion will take place. From now on notification will be given in a more clever form .... Kreisleiter Sellner must be informed."

D 906
No.3

(3) "Strangely enough various relatives received notification after the transportation that their patients had died. In some cases pneumonia and in others an infectious disease were given as the cause of death .... illnesses which had no connection with the previous medical history ..... The population is terribly disturbed about the transfer of patients ..... Moreover the events described give the Church and religious circles cause to revive their attitude against National Socialism.

H2741 - 0043

as to notification which faced the Kreisleiter of Ansbach. (1) Neither the Kreisleiters nor any of the others appear to have felt any concern at the fact that they themselves were actively supporting an administration conducting mass-murder. If their oath of allegiance to their Fuehrer absolved them from qualms of conscience, can it also acquit them of moral or criminal guilt ? Kreisleiters from all over Franconia were reporting in similar terms. The Kreisleiter from Lauf wrote to the Gaustabsamtsleiter:

D 906
p.5

> "The doctor also informed me that it was well known that the Commission consisted of one SS doctor and several subordinate doctors, that the patients were not even examined and that they only pronounced the verdict in accordance with the medical history noted down."

Mrs Marie Kehr lost two of her sisters in that way and wrote to ask the Reich Minister of the Interior under what decree they had been killed. Frick's office passed the matter on to the Gaustabsamtsleiter in Nuremburg:

D 901
No.12

> I request that you investigate whether Kehr is politically reliable, especially whether she does not have Church connections. In case this should be so, for my part there are no misgivings if you give Kehr the desired information orally."

The Gaustabsamtsleiter passed that letter on to the Kreisleiter. The Kreisleiter passed it on to the Ortsgruppenleiter, who reported "that

1969 one can inform Mrs Kehr. She is calm and circumspect."

FOOTNOTE:

(1) "The removal of patients of sanitoria and nursing homes to other districts could not naturally remain hidden from the people. It also appears that the Commissions which were established work in too great haste and are not always lucky and that many mistakes occur. Nor can one prevent individual cases becoming known and spoken about. The following cases should naturally not have occurred:

i. Through an oversight one family received two urns.

ii. One notification of death indicated an appendicitis as the cause. But the appendix had already been removed ten years previously.

iii. Another cause of death quoted was a disease of the spinal cord. Relatives of the family had visited the patient who was physically perfectly healthy only 8 days before.

iv. One family received a notification of death although the woman still lives in the institution today and enjoys perfect bodily health."

H2741 - 0044

H2741 - 0045

In February 1941 the Ortsgruppenleiter of Absburg reported on the "wildest scenes imaginable" which had occurred in his village when the local sanatorium had been cleared of patients. You may think his attitude was typical of the great mass of Political Leaders:

> "These incidents during this action, which is after all necessary, are to be condemned all the more because even Party members themselves did not shrink from joining in the lamentations of the other weeping spectators. It is even said that these poor victims - as they are regarded by the clergy and the religious inhabitants of Absburg - were taken to the Catholic Church for confession and communion shortly before their departure. It seems absolutely ridiculous to want to take away by an oral confession the possible sins of people some of whom completely lack all mental power."

It has become manifest during these proceedings that other Political Leaders share the views of that Ortsgruppenleiter as to the absurdity of any oral confession.

It is unnecessary for me to remind you of the other reports, except to mention that in addition to the Gaustabsamtleiters, the Kreisleiters and Ortsgruppenleiters, the Gauorganizationleiter also becomes involved. The Leadership Corps was up to the elbows in this bloody business.

H2741 -0046

War Crimes

The Corps of Political Leaders take their share of responsibili for the mistreatment of Prisoners of War. In September 1941 Bormann circulated to Gauleiters and Kreisleiters the regulations of the OKW for the treatment of Soviet prisoners of war. From the receipt stamp of that document it appears that the Gau Trainingleiter was the official on the Gau staff chiefly concerned with these matters. You remember the directives contained in those regulations. They were based on the fact that

US 1519
GB 525

> "Bolshevism is the deadly enemy of Nazi Germany..... The Bolshevist soldier has therefore lost all claim to treatment as an honourable opponent in accordance with the Geneva Convention.....the feeling of pride and superiority of the German soldier ordered to guard Soviet prisoners of war must at all times be visible even in public. The order for ruthless and energetic action must be given at the slightest indication of insubordination especially in the case of Bolshevist fanatics.....With Soviet prisoners of war it is already necessary, for reasons of discipline, that the use of arms should be severe."

You will remember the special Einsatz groups set up by the SD to screen Soviet prisoners of war in the P.W. camps in order to discover and eliminate their leaders and intelligentsia. These orders circulated to Gauleiters and Kreisleiters explain the purpose and the method of work of those special purpose units and state:

> "The Armed Forces must rid themselves of all those elements among the prisoners of war which must be considered as the driving force of Bolshevism. The special conditions of the Eastern campaign demand special measures which can be carried out on their own responsibility free from bureaucratic and administrative influences."

No Gauleiter or Kreisleiter can tell this court that he did not know that Russian prisoners of war were being murdered.

It was not only for their information that Political Leaders received those instructions. Bormann writing to all Reichleiters, Gauleiters, Verbaendefuehrers and Kreisleiters in September 1940 emphasised:

> "The co-operation of the Party in the commitment of prisoners of war is inevitable. Therefore the officers assigned to the prisoner of war system have been instructed to co-operate most closely with the Hoheitstrager;

PS 232
US 693

> the commanders of the prisoner of war camps have to detail immediately liaison officers to the Kreisleiters, thus the opportunity will be afforded the Hoheitstragers to alleviate existing difficulties locally, to excercise influence on the behaviour of the guard units and better to assimilate the commitment of the prisoners of war to the political and economic demands".

It was to be the task of the Political Leaders to orientate both the guards and the plant owners "again and again politically and ideologically" and this was to be done in co-operation with the DAF.

It is unnecessary to repeat the evidence of the treatment of Russian and other prisoners of war employed by Krupp. The Political Leaders were as callous of their prisoner of war slaves when they died as they had been while they lived. Gauleiters and Kreisleiters received from Bormann Frick's instructions for the burial of Soviet prisoners of war. Tarred paper was to make do for coffins, no burial ceremonies or decorations of the graves were to be allowed, costs were to be kept as low as possible and the

D 163
US 694

> "transfer and burial is to be carried out unobtrusively, if a number of corpses have to be disposed of the burial will be carried out in a communal grave."

What did the last rites of those whom they had worked to death matter to the Nazi Government and its political leaders? They mattered as little as any recognised form of simple decency or honour.

As early as March 1940 Hess had circularised the political leaders with directives for behaviour in case of landings of enemy planes or parachutists. You will remember the order

D 062
US 696

> "Likewise enemy parachutists are immediately to be arrested or made harmless".

In view of less ambiguous orders which were to follow and of the extraordinary precautions to maintain secrecy in respect of that order, can you now doubt what that somewhat ambiguous phrase was intended to convey? You remember that it was to be disseminated orally only to Kreisleiters, Ortsgruppenleiters, Zell- and Blockleiters. Transmittal of the order by official orders, poster, press or radio was prohibited and amongst the other security orders it was declared to be a state secret document. You will remember also that in addition

H2741-0047

H2741 - 0048

to all the Hoheitstragers being informed, the order went to the Reich Organisation Directorate, the Reich Propaganda Directorate and the Reich Student Leadership offices which each had their own representative included in the Amtsleiter of the Gau, Kreis and Ortsgruppen staffs, and that it went also th SS Gruppenführer Heydrich.

R 110
US 333

In August 1943 Himmler instructed the police that it was not their task to interfere in clashes between Germans and terror flyers. Gauleiters were to be informed verbally.

In May 1944 Goebbels was writing to the Voelkischer Beobachter

PS 1676
US 334

that it was not bearable to use German police to protect murderers. The next day Borman directed all Gauleiters, Verbanderführers, Kreisleiters and Ortsgruppenleiters that several instances had occurred in which aircraft crews who had bailed out or had made

PS 057
US 329

forced landings had been lynched on the spot by the incensed populace.

> "No police measures or criminal proceedings were invoked against the German civilians who participated in these incidents".

It was hardly necessary for us, in order to understand the purpose of that letter, to have captured a Gauleiter's order taking advantage of the invitation that Bormann had extended. In February 1945 the Gauleiter for Westfalen-South expressly directed his Kreisleiters to encourage the lynching of Allied airmen:

L 154
US 335

> "Fighter bomber pilots" he wrote "who are shot down are on principle not to be protected against the indignation of the people. I expect from all police offices that they will refuse to lend their protection to these gangster types".

You will have seen Gauleiter Hoffman's evidence before your Commissioners upon this matter and you will pay such attention to it as you think it deserves.

Let me conclude this review of the evidence against the Corps of Political Leaders by reminding you of the evidence of two witnesses called in defence of the organisations, one Eberstein when you yourselves heard give evidence for the SS and the other Wahl, a Gauleiter who testified before your commissioners.

You know the evidence that all the political leaders have given as to concentration camps - they had nothing to do with them, they knew nothing of what was happening inside them. But what did the witness Eberstein tell you? I quote from his evidence:

> "In the beginning of March, 1945, the Gauleiter and Reichs Defense Kommissar Giesler in Munich ordered me to come to him, and demanded that I should influence the Kommandant of Dachau to the effect that when the American troops approached the prisoners - there were 25,000 people there at the time - were to be shot. I refused this demand with indignation, and I pointed out that I could not give any orders to the Kommandant, whereupon Giesler said to me that he, as Reichs Defense Kommissar, would see to it that the camp would be
TR: 15057-8 bombed by our own forces. I told him that I considered it impossible that any German air force commander would be willing to do this. Then Giesler said he would see to it that something would be put into the soup of the prisoners. That is, he threatened to poison them. From my own initiative I put an inquiry to the inspector of the concentration camp by teletype and asked for a decision from Himmler as to what was to be done with the prisoners in case the American troops approached. Sortly thereafter the news came that the camps were to be surrendered to the enemy. I showed that to Giesler. He was quite indignant because I had frustrated his plans".

And lastly the witness Wahl, Gauleiter of Schwaben gave this evidence:

Comm. Tr. 2361

> "Q. Witness, I was asking you about the conversation which you had with your wife on the question whether or not you should resign your position as Gauleiter. Isn't the implication to be drawn from that conversation this:- that you were ashamed of what other Gauleiters were doing and that all around you saw things going on which you disapproved and wanted to disassociate yourself from?
>
> A. Yes.
>
> Q. That is true, isn't it?
>
> A. Yes, that is true."

And in answer to another question he said:

Comm. Tr. 2362

> "I want to stress the point that is not my task and not my wish here to justify all the Gaus. In the Gauleiters there were maniacs and blood-thirsty fools as everywhere else".

H2741 - 0049

H2741 - 0050

S.A.

Voluntary Membership

Before dealing with the evidence against this organisation, I would say a word upon the question of voluntary membership. Counsel for the S.A. has argued that membership was not voluntary; it is said that great pressure was brought to bear upon the German people to make them join one or other of the Nazi Party organisations and that, in the case of certain sections of the S.A., not only was pressure brought to bear but membership was enforced by decree. On the evidence to which I shall draw your attention you may well think that if, as in certain cases there undoubtedly was, pressure exerted upon individuals to join the Party, and in some cases, perhaps, to join this particular organisation, the consequences of refusal as they have been pictured by the Defence are very much exaggerated. It is submitted that even if you accept without qualification the evidence of some of these witnesses as to particular cases of compulsion, the evidence which you have as to the Organisation as a whole is perfectly clear: the membership was from the first until the last voluntary: never was there at any time compulsion recognisable in law as such, either physical or as a result of legal decrees.

The English law upon what constitutes physical compulsion sufficient to excuse crime has been clearly established for many years and is stated in Halsbury's "Laws of England" (Hailsham Edition, Vol. 9, ~~pp.~~ Pages 23-24, ~~para.~~ Paragraph 20) in these words:

> "A person compelled by physical force to do an act which, if voluntarily done, would be a crime, is free from criminal responsibility, but the person compelling him is criminally liable.

(10,154)

H2741 – 0051

"The use of threats inducing a person, from present fear of death, to join with rebels is, it seems, an excuse, so long as the person is under the influence of such fear.(1)

"Subject to this exception, a person who commits a crime when influenced by threats or 'moral force', or by the confining of his person, or by violence not amounting to actual compulsion is not excused.(2) Necessity, in the sense of compulsion arising from hunger or from imminent danger to a person's own life or property, is no excuse for crime."(3)

Footnotes:

(1) MacGrowther's case 1746, 18 State Trials, p.391, Vol.14, English and Empire Digest p.67, cases no.325.

"Prisoner, a lieutenant in the Duke of Perth's Regiment, was charged with high treason for joining in the rebellion and accepting a commission in the Pretender's service. Prisoner contended that he was compelled to join the rebellion through threats to burn his house and to lay waste all that belonged to him. Held: Prisoner was guilty of treason, the fear of having houses burned or goods spoiled being no excuse in the eye of the law for joining and marching with rebels.

The only force that doth excuse is a force upon the person and present fear of death and this force and fear must continue all the time the party remains with the rebels. It is incumbent on every man, who makes force his defence, to show an actual force and that he quitted the service as soon as he could. (Lee C.J.)"

(2) Vol.1, East, p.70 and R.V.Tyler 1838, 8 C & C 616

"In the chapter in which he deals with the exemption created by compulsion or necessity, he thus expresses himself:

"If a man be desperately assaulted and in peril of death and cannot otherwise escape unless, to satisfy his assailant's fury, he will kill an innocent person then present, the fear and actual force will not acquit him of the crime and punishment of murder, if he commit the fact, for he ought rather to die himself than kill an innocent; but if he cannot otherwise save his own life the law permits him in his own defence to kill the assailant, for by the violence of the assault, and the offence committed upon him by the assailant himself, the law of nature and necessity hath made him his own protector cum debito moderamine inculpatae tutelae."
(Hales Pleas of the Crown, Vol.1, p.51).

(3) English and Empire Digest, Vol.14, p.78, case no.455, R.V.Tyler.

"A, who was insane, collected a number of persons together who armed themselves, having a common purpose of resisting the lawfully constituted authorities, A having declared that he would cut down any constables who came against him. A, in the presence of C and D, two of the persons of his party, afterwards shot an assistant of a constable who came to apprehend A under a warrant.

(10,155)

Let me shortly discuss the evidence upon this point. The general service regulations for the S.A. published in 1933 laid it down that

PS 2820
US 427

> "He who cannot or will not subordinate himself is not suited to the S.A. and has to withdraw."

The Organisation Book of 1940 states:

PS 2354
p.7.
US 43

> "Service with the S.A. is and remains voluntary.....As in recruitment for the S.A. no advantages may be promised and no pressure whatever may be exercised. The S.A. man should have the possibility to withdraw."

The witness Juettner agreed with that statement as correct. He was asked:

Comm Tr
346

> "Did it always remain a fundamental principle of the S.A. that membership should be voluntary"?

and answered:

> "That was always the principle adhered to by the leadership."

He was asked again:

> "If a man no longer agreed with the S.A. views, was he expected to withdraw?"

and answered:

> "Numerous men left the S.A. for a variety of reasons."

By no stretch of the imagination can the evidence given in respect of the Reiterkorps be said to constitute compulsion, physical or by decree. It is true that the original riding organisations were arbitrarily amalgamated into the S.A., but as the witness Walle, called on behalf of this branch of the S.A.,

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"Held: C and D were guilty of murder as principals in the first degree, and any apprehension that C and D had of personal danger to themselves from A was no ground of defence for continuing with him after he had so declared his purpose."

(10,156)

H2741-0052

H2741 - 0053

himself admitted:

> "Membership in the S.A. was voluntary in 1933 and this did not change.....A man could resign from the Reiterkorps but he had to give up his sport inasmuch as the riding installations were no longer at his disposal."

Comm Tr 1835

"The Riders Association", he said, "submitted to the process of co-ordination because it enabled them to continue their athletic activity."

Comm Tr 1815

You may think that it was during the years 1933 and 1934 that the activities of the S.A. were more obviously criminal to all the people of Germany than at any other time. How then can the loss of "sporting activities" constitute compulsion and afford an excuse for membership? Is the risk of the loss of a horse and stable to be regarded as legal justification for participation in murder?

It should be remembered also that both in the case of the Reiterkorps and the Stahlhelm, although those organisations may have been amalgamated with the S.A. by legal decree, there is no evidence before you that the decrees contained one word which might be construed as compulsion upon individual members to take up membership in the S.A.

The Stahlhelm is in much the same position as the Reiterkorps, except that the evidence that Juettner gave before the Commission is clearer still. Let me quote from the transcript of his evidence:

> Q. "There was nothing, was there, to stop a member of the Stahlhelm withdrawing from the S.A. when the two organisations were combined in 1933?"
>
> A. "As far as I was concerned in my district no member of the Stahlhelm who did not desire to do so would have been compelled to join the S.A."

Comm Tr 346/7

> Q. "And that goes generally for the whole of Germany, does it not?"
>
> A. "It is reported that there were instances in which members of the Stahlhelm agreed to transfer only because it was ordered."
>
> Q. "But there is no instance where a man was forced to join or continue his membership?"
>
> A. "No, sir."

(10157)

H2741 – 0054

Almost pathetic evidence was given of the fate that awaited civil servants if they refused to join - refused to join not the S.A., be it noted, but any Party organisation. But the witness Doley, who himself gave this evidence, showed how exaggerated it was when he admitted to the Commissioner that in those offices in which he was himself employed, only 18% of the civil servants had become members either of the Party or of one of its organisations. And those offices were the Reich Finance Ministry and Reich Chancellery - the very heart of the Nazi Government.

Comm Tr 301

The witness Freiherr von Waldenfels is another outstanding example of how a German who had the character to stand up for what he believed to be right could continue to do so without any dire results. Himself a civil servant and a leading member of the Stahlhelm in 1933, he resigned on its amalgamation with the S.A., refused to join the S.A., the Party or any other Party organisation, yet nevertheless continued to hold his position until the end of the war.

Comm Tr 2707

Evidence has been given by the Defence that university students were compelled by decree to become members of the S.A. This contention has been supported by an order of the S.A.University Department in Munich, dated 16 April 193[illegible], which is contained in the S.A. Defence Document Book.

Upon that document I make two submissions. First, the references to "S.A. service" do not connote membership of the S.A. but a course of training under S.A. direction; secondly, the sentence in paragraph 3 "All newly matriculated students are therefore bound to join the S.A." is not in accordance with the policy of the S.A. leadership and does not represent the practice in universities generally.

We have submitted to you another similar order issued by the S.A. University Department at Cologne two days before. When that order is read with the Munich order it becomes apparent that this submission is well founded.

H2741 - 0055

Paragraph 1 of both orders is identical. All students are to be "regimented by the S.A. University Department in order to be physically and mentally trained in a uniform manner in the spirit of the National Socialist revolution." In paragraph 2 it is expressly stated that it is a matter of indifference whether they are members of the S.A. at all. Paragraph 3, while following the same form in both orders, differs essentially. In both cases the orders are said to be based upon the same decree of the Supreme S.A. Leadership of 27 March 1934. We have not seen that decree but paragraph 3 of the Cologne order makes it clear that membership of the S.A. was not intended to be compulsory as is suggested by the Munich order. It is evident also that the S.A. service with which both orders are concerned is something different and independent from membership of the organisation. How can compulsory "S.A. service" mean compulsory S.A. membership when it is expressly stated that except during the eleven days from 25 April to 5 May there is a ban on the enrolment of new members? The next words in both orders mark the essential difference between the two. In Munich students "are therefore bound to join the S.A." while in Cologne they are "thereby offered the possibility of joining the S.A." If the S.A. service which was to be compulsory for all German students connoted membership of the S.A., there could be no question of "offering" them "the possibility" of joining. You may think that in Munich, the heart of National Socialism, the decree of the Supreme S.A. Leadership of 27 March was deliberately misinterpreted to suit the desire of a particularly fanatical Sturmfuehrer. On the face of the documents it is apparent that whatever was happening in Munich was not characteristic of every other university in Germany.

H2741 - 0056

Juettner confirms the case for the Prosecution. He states:

> "I have already expressed that in some instances pressure has been exercised by organisations outside the S.A., for instance, in the case of students and in the case of financing schools."

But in answer to the question:

> "There was nothing which compelled a student to join the S.A. if he disapproved of what the S.A. stood for?"

he said:

> "I share that opinion."

The fact is as he explained: where organisations were amalgamated with the S.A. "the vast majority of men were proud of the S.A. and proud to serve in the S.A." If further evidence were wanted of the voluntary nature of this organisation, both in theory and in practice, it is to be found in the steps which were taken by the S.A. leadership itself to reduce its members after the large influx that had taken place in 1933 and 1934. by the incorporation of such organisations as to Stahlhelm and Reiterkorps and by the large numbers of candidates that flocked to every party organisation after the Nazi seizure of power. From 4½ million in 1934 the membership of the S.A. had dropped to 1,500,000 at the outbreak of war in 1939. Juettner explained the causes of this reduction. It was due partly to the Kyffhauserbund, another old soldiers' organisation, being excluded from the S.A. But it was due also to the introduction of examinations for their members, failure to pass which resulted in dismissal, and to the fact that those who, "for reasons of their occupation were unable to do us a service and accordingly did not cheerfully continue to serve us in the S.A." were also dismissed. Such a weeding out and reduction in numbers from 4½ to 1½ millions in 5 years is hardly compatible with the story of the whole of the German youth, the whole of the German

Comm Tr
348

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civil service and of the population generally being compelled to become members of this organisation. It is submitted that this is conclusive evidence of the voluntary nature of this organisation.

Comm Tr 311 299 1818

How can it be maintained that all civil servants whose total number the witness Boley gave as 3 million, a million Stahlhelm members, 100,000 students, 200,000 Reiterkorps members and others besides were all compelled to join the S.A. when the total membership of that organisation in 1939 was only 1,500,000?

It may well be that upon a small unwilling minority pressure was brought to bear; that the consequences of refusal would have been serious. But this issue is to be decided upon recognised and established principles of law. Even were it not so, could we feel sympathy for these people? Did they show sympathy for the thousands of their fellow countrymen that were taken to the dreaded horrors of the concentration camps? Did they sympathise with the thousands of Jews that were slandered and persecuted unceasingly over the years?

Exclusions

Tr 5176

You will remember that when certain questions in connection with the Organisations were argued before you in February, I stated on behalf of the Prosecution that we did not seek a declaration of criminality against certain sections of the S.A. We excluded

1) All wearers of the S.A. Party badge who were not strictly members of the S.A.

2) Members of the S.A. Wehrmannschaften who were not otherwise members of the S.A. You may well think, having heard the evidence that you have of the crimes committed by the Wehrmannschaften in Poland and in the Eastern Territories that that branch of the S.A. ought not to be excluded. Nevertheless, we feel that many members of the units which were involved in those

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atrocities were also members of the S.A. proper and we therefore respectfully submit that our original statement can properly stand.

3) Members of the S.A. reserve who at no time served in any other formation of the Organisation:

4) The National Socialist League for Disabled Veterans.

It has been reiterated time and again that the Prosecution are anxious to obtain a declaration of criminality only against those who bear a major responsibility for the crimes that have been committed. In view of this and in view of the evidence that has been presented to you since February, we desire respectfully to recommend certain additional exclusions from among the general membership of this Organisation.

Tr 15643 First. The total strength of the S.A. in 1934 was given you by Juettner as 4½ million. That figure included 1,500,000 members of the Kyffhauserbund. Shortly after the amalgamation of that Organisation with the S.A. in 1933 the two were again separated. We respectfully recommend the exclusion of all those members of the Kyffhauserbund who did not retain their membership of the S.A. after that separation.

Secondly. We believe that we are also justified in asking for the exclusion of certain sections of the Stahlhelm. So that you may understand the grounds for this recommendation it may be of assistance if I briefly remind you of the structure and history of that Organisation. It was composed of:

Comm Tr 2723 2703 1) The Scharnhorst, which was the Stahlhelm youth organisation for boys under 14, with a strength of about 500,000.

Comm Tr 2723 2676 2683 2) The Wehr Stahlhelm which included the Jung Stahlhelm (boys from 14 - 24 years of age) and the Stahlhelm sports formations (men from 24 - 35 years of age). The total strength of the Wehr Stahlhelm was 500,000.

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Comm Tr 2723 2729 2703

3) The Kern Stahlhelm which consisted of men between 36 - 45 years of age. Its strength has been given as 450,000.

The total strength of the Stahlhelm was therefore approximat 1½ million men and boys.

In 1933 the Stahlhelm was placed under the control of the Nazi Party. The Scharnhorst was transferred to the Hitler Jugend; the Wehr Stahlhelm to the S.A. proper; and the Kern Stahlhelm to the S.A. reserve. Since we have already excluded the S.A. reserve we are left to consider only that part of the Stahlhelm which was incorporated into the S.A. proper - 500,000 members of the Wehr Stahlhelm.

You have evidence both from witnesses and from documents contained in the Defence Document Book that many of these 500,000 Stahlhelm members were opposed to their transfer to the S.A. and to the policies and aims of the S.A. and the Nazi Party. Many, including the witness von Waldenfels, refused to join the S.A. It is a possible hypothesis that many more, although opposed to the policies of the S.A., were prepared to join in view of the assurance that was given to them that they would retain their independent character, identity and leaders in the same way as did the Reiterkorps, and that they would never be called actively to associate themselves with the S.A. proper. On the other hand, there can be no doubt whatsoever that many wholeheartedly joined the S.A. and participated to the fullest extent in its criminal activities. Juettner himself is an example and he declared that he was by no means the only one. You will remember his evidence:

Comm Tr 2733

Tr 15642

> "Numerous S.A. men came to me in the first few months who had formerly belonged to the Steel Helmet Society; like myself they felt regret that their fine old organisation was no longer in existence. But together with me they hailed the fact that they were now permitted to participate in this large community of the S.A."

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Speaking of his own district he said:

Tr 15644

> "Really, after 1935, the nucleus of the S.A. was my old Steel Helmet organisation; therefore many Steel Helmet men remained in the S.A."

To exclude the whole of the Stahlhelm would entail the exclusion of men like Juettner and many other Stahlhelm members who were to form the nucleus of the S.A.

We believe that a just and practical distinction may be drawn between these two classes. In July and August of 1935 the assurance which had been held out to the Stahlhelm that they would retain their independent status side by side with their membership of the S.A. was broken. The organisation of the Stahlhelm was finally dissolved; their uniforms, their meetings and all their previous activities were prohibited. From that time the Stahlhelm members who remained in the S.A. were indistinguishable from the rest of that body. They had joined the S.A. in 1933 knowing, as one of their own witnesses has declared, the criminal nature of the policies and activities of the S.A. Now in 1935 they could have had no illusion that by remaining members they would be expected to support that policy and participate in those activities. None who remained members after that date can absolve themselves from a major responsibility for the crimes committed by the S.A. and by the Nazi Government of which the S.A. was one of the essential bulwarks. We therefore respectfully recommend for your consideration whether all those members of the Stahlhelm who resigned or were ejected from the S.A. prior to 31 December 1935 might also be excluded. We submit that those who remained are rightly included in the criminal organisation of the S.A.

Comm Tr 2678
SA Docs 42,46,47.

Comm Tr 2681

You will appreciate the effect of these exclusions upon the number of S.A. members involved in these proceedings.

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The exclusion of the 1,500,000 Kyffhauserbund and 500,000 Kern Stahlhelm alone reduces Juettner's total to 2½ million and that takes no account of the other exclusions which the Prosecution have suggested.

Lastly, I would say a word in respect of the Reiterkorps. I have already submitted that there is no legal basis for suggesting that their membership was involuntary. The Prosecution recognises, however, that in so far as the Reiterkorps retained its separate organisation of riding clubs, its own identity and its own leaders, you may find that it is in a somewhat special position when you are considering the criminal responsibility of the S.A. It is of course open to the Tribunal to give effect to that special position of the Reiterkorps if it so desires. You will remember that its membership totalled 200,000.

The "SA-Mann"

Upon one further point which has been raised by the Defence I ought, perhaps, to say a word. It has been urged that the weekly paper "The SA-Mann" upon which the Prosecution have drawn for a small part of their evidence against this organisation is inaccurate and does not truly represent either the policy or the activities of the S.A. You have heard the evidence for and against this proposition. I need only remind you that the paper was published by the official Nazi publishing house, the Eher Company, which published also Mein Kampf, the Organisation Books, the orders and decrees of the Nazi Government and all other official Nazi publications. It carries under its title the description

"The official organ of the Supreme S.A. Leadership"

Its editor, writing to Rosenberg, describes it without contradiction as the "combat publication and official organ of the Supreme Party Leadership", with a circulation of 750,000. Lutze

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himself recommends it in his annual training drive for 1939 as one of the official

"aids to the preparation and carrying out of training"

Comm Tr 212

I submit to you that in the face of that evidence the testimony of witnesses for the defence upon this matter ought not to be accepted.

Will you consider the whole of the literature you have seen in connection with this organisation. It is all the same - all about war, about lawless violence, about racial hatred. There is not one word on the ordinary matters of decent living, of the interests and activities and the ways of life of ordinary decent, civilized, peaceful citizens - the things which fill the newspapers and literature of decent, law abiding, peaceful countries. Compare the literature of the S.A. with that of any organisation or society in any other country in Europe. The S.A., the organisation which prided itself upon its responsibility of educating and training the manhood of Germany, spoke only of militarism, of arrogance, of bullying and hatred. What need for this if their purpose was what they say?

(10,288)

H2741 - 0063

Aims and Policy

I turn to consider the evidence upon which we base our submission that this organisation was criminal. The aims of the S.A. were the aims of the Nazi Party itself. Training in the S.A. is described in the Organisation Book as

PS 2354
US 430

> "education training according to the doctrines and aims of the Fuehrer as they are set forth in Mein Kampf and in the Party programme for all phases of our lives and our National Socialist ideology."

Lutze, Chief of the S.A., speaking to the Diplomatic Corps and foreign press in 1936 told them:

PS 2471
p.9.

> "When I state in the beginning that the obligations of the S.A. are those of the Party and vice versa, I only mean that the S.A. considers the Party's programme as its own as well. The S.A. cannot be independent of the National Socialist movement but can only exist as a part of it. In the framework of the Party the S.A. is its protective troops, its fighting shock troops, to which belong the most active members of the movement, politically speaking. The tasks of the S.A. are those of the Party and vice versa. They are therefore of an internal political nature."

Criminal Activities

In the interests of time I do not propose to dwell upon the evidence of how this organisation performed its role as "the protective troops" and "the fighting shock troops" of the Party. All this may well be said already to be a matter of historical fact. In the words of the Indictment, the S.A. "was developed by the Nazi conspirators before their accession to power into a vast private army and utilized for the purpose of creating disorder and terrorising and eliminating opponents." It is said that the violent and criminal activity of its members, if indeed any such activity existed at all, was purely defensive - forced upon it in

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order to protect its members and their Party Leaders from the violence of the Communist and other political parties. It is for you to judge the value of that evidence. In doing so, you will have it in mind that all the documentary evidence upon this question which has been submitted to you in the defence document book, is of Nazi origin and authorship. You may think that that description of the SA as a defensive organization is wholly inconsistent with the evidence you had from the witness Severing, from Gisevius(i) and in the affidavit you have had from the American Consul, Geist.(ii)

(i) Tr.8448 "During the early part of the struggle for power, the SA constituted a private army for carrying out the orders of the Nazi Party Without doubt the SA, as far as the so-called taking of power is concerned, took a dominating role. Without the SA Hitler would never have come to power... Whoever had not entirely made up his mind had it made up for him by the SA. Their methods were primitive but effective. One learned the new Hitler salute very quickly when on the sidewalks beside every SA marching column.... a few stalwart SA men went along giving pedestrians a crack on the head if they failed to perform the correct gesture at least 3 steps ahead of the SA flag, and these Stormtroopers acted the same way in all things. The chronicle of that private army is certainly dramatic. It teemed with beerhall brawls, street fights, knifings, shootings and fist fights, altogether a mad rough and tumble affair...."

(ii) PS 1759 "Until the Gestapo could be organized on a national scale the US 420 thousands of local SA meeting places became "the arrest points". There were 50 at least of these in Berlin. Communists, Jews and other known enemies of the Nazi Party were taken to these points and if they were enemies of sufficient importance they were immediately transferred to the Gestapo HQ. When the Nazi Party won the elections in March 1933, on the morning of the 6th the accumulated passion blew off in wholesale attacks on Communists, Jews and those who were suspected of being either. Mobs of SA men roamed the streets, beating up, looting and even killing persons.....

(See also statements of Hermann Roseman and Klauber contained in Geist's affidavit (PS 1759, US 420 at pp. 7 and 8.)

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Tr 15593 et seq

Having heard Schaefer, first Commandant of Oranienburg, cross-examined, have you the slightest doubt that atrocities were committed by S.A. men in that camp? You have the evidence of

Comm Tr 146-147

the witness Joel that the S.A. established a concentration camp at Wuppertal on the initiative of the local S.A. Commander.

PS 787 US 421

At Hohnstein and at Bredow also S.A. guards were torturing and murdering their prisoners. You will remember

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the letter written in June 1935 from the Ministry of Justice to Hitler himself:

> "In the camp serious mistreatment of the prisoners has been going on at least since the summer of 1933. The prisoners were not only, as in the protective custody camp at Prodow near Stettin, beaten into a state of unconsciousness for no reason with whips and other tools but were also tortured in other ways."

PS 787
US 421

Comment is unnecessary except to emphasize that sadism and illegal arrests of this kind were being practised and carried out by SA men throughout the Reich:

> "Within six weeks of the Nazis coming to power in January 1933 the German newspapers were quoting official sources for the statement that 18,000 Communists had been imprisoned whilst 10,000 prisoners in the gaols of Prussia included many Socialists and intellectuals."

D 911
GB 512

PS 3221
US 442

Sollman, Social Democrat member of the Reichstag, was being taken to the Brown House in Cologne to be "tortured, beaten and kicked for several hours." In Nuremberg a man called Pfaumer was being beaten on the soles of his feet until he died. In Munich the former editor of the newspaper, "The Lower Bavarian Peasant", Dr. Alois Schlogel, had his house wrecked and was himself illtreated. These are only a few of the incidents of this kind which the Prime Minister of Bavaria describes when he says:

D 923
GB 615

D 936
GB 616

> "Of their total number throughout Germany there can be no count."

D 930
GB 617

This was no political revolution. This was no self-protection from Communist opposition. These men were the servants of the Government with the sure knowledge that all Government agencies - the press, the law and the police - were under orders to condone and to assist. They ran no risks; their victims had no court nor protection to which they could appeal.

(10,441)

This was nothing but sheer sadism, criminal brutality, encouraged by the Party and the S... leadership. You have the evidence of Geist:

PS 1759
US 420
p. 8.

> "I personally can verify that the police had been instructed not to interfere.... These officers told me that they and all the other police officers had received definite instructions not to interfere with the SA, the SS or the Hitler Youth."

Goering, speaking on 3rd March 1933 described the role that the S... were to perform from then on. He declared that the Communists would be suppressed by the Brown shirts. The police would not be used as in a bourgeois democracy:

PS 1856
US 437

> "I do not have to give justice, my aim is only to destroy and exterminate, nothing more... The struggle to the death in which my fist will grasp your necks I shall lead with those down there - those are the Brown shirts."

Let me deal in rather greater detail with the activities of the S.A. during those years after 1934. It has been suggested that following the Roehm purge the S.A. diminished both in numbers and in importance and that the criminal activities of its members ceased. That its **numbers** were reduced is unquestionable - I have indicated the evidence of the reasons why. That it waned in importance is also true to the extent that official favour was bestowed more and more upon the S.S. for reasons that are well known. Nevertheless, the S.A. both in the eyes of its own leaders, its members and of the Nazi Party authorities remained politically and militarily an important and vital force.

By June 1934 the political opponents of the Nazi Party had been suppressed or incarcerated. Little wonder then that we have less evidence of those incidents of "mastery of the streets" which filled the history of Germany during previous years. But the aims of the organization remained the same - fanatical support of the policy of the Nazi Government: the suppression of such opposition as remained, particularly the churches and the Jews. And in addition intensive preparation for aggressive war.

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H2741 - 0068

months? If the nature and aims of the S.A. had changed, why should the "SA-Mann" have been publishing articles in 1937 and 1938 decrying the church in such articles as:

PS 3050
US 414
p. 20

"My dear Franciscans"
"The Black Balance - Political Catholicism"
"The Church wants to dictate to the State"
"Unmasked Political Catholicism"
and "Does the Vatican want War"

If the violent manners of the S.A. had been converted during these years, why should the official organ of its supreme leadership have been recounting stories of its early battles? Their titles tell their tale:-

PS 3050
p.14

"We subdue the Red Terror"
"Nightly street battles on the Czech border"
"Street battle in Chemnitz"
"S.A. against sub-humanity"
"For the superiority of the Street"
"Company 66 receives its baptism of Fire"
"The S.A. breaks the Red Terror"
"Bloody Sunday in Berlin"

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and that description of "9 November 1923 in Nuremburg" when, during

PS 3050 p.15 the course of the disturbances, someone shouted 'The Jewish place will be stormed! Out with the Jews!' (1)

The part the SA played in the ever-increasing persecution of the Jews dissolves any doubt there may be of the continuing criminality of that organization during the years after 1934. Of the boycott in April 1933 Goebbels had written in his biography:

> "1 April 1933
> All Jewish stores are closed. At their entrances
> SA sentries are standing."

PS 2409 GDL 262

It was only an example of how throughout all Germany the SA provided the Nazi Government with a means of putting its policy into effect. The instructions issued by Streicher and his Committee had directed:

> "The SA and the SS are instructed to warn the population
> by means of pickets from entering Jewish enterprises
> once the boycott has started."

M 7

You have the evidence of Kurt Schmidt, Minister of Economics and member of theReich Cabinet until January 1935:

> "I have to say that the SA gained a more and
> more disastrous influence as a destructive element
> in economic and Jewish matters."

You have the evidence of their own witness, Freiherr von Waldenfels, who was asked:

> "Did the SA take an active part in the persecution of
> the Jews after 1934 ?

and answered:

Dom.Tr. 2705

> "As far as I have been told stories - yes."
> I myself saw the looting of shops in Munich, but
> whether that was done by order or whether it
> originated with individuals I cannot say."

FOOTNOTE: (1)

PS 3050 p.14 "In the morning we found out what had happened in Munich. 'Now a revolution will also be made in Nuremburg' we said. All of a sudden the police came from the Maxtor Guard and told us that we should go home, that the Putsch in Munich had failed. We did not believe that and we did not go home .... One of us then shouted 'Let's go to the Cafe Habsburg!' By the time we arrived, however, the police again had everything surrounded .... Then the police started to beat us up. Then we divided into small groups and roamed through the town and whenever we caught a Red or a Jew we knew, a fist fight ensued. Then in the evening we marched, although the police had forbidden it, to a meeting in Furth. During the promenade again the police attempted to stop us .... They did not trust themselves to attack, for what would a blood bath have meant? "

(Der SA Mann 30 Oct. 1937)

H2741 - 0070

He tried to minimise the significance of the SA. after 1934 but his evidence was quite clear.

Com.Tr. 2707

"Q. In their less important role, did they continue the policy and practice that they had been carrying out before, the persecution of the Jews?

A. There is no doubt.

PS 3211 US 419

Goebbels, speaking to the SA in October 1935, reminded them that they were the "strongest strong arm of the movement" and that the Nazi Government was an "anti-Jewish Government."

If the active persecution of the Jews was not a continuing role of the SA, after 1934, why should Lutze, Chief of staff of the SA speaking to the Diplomatic Corps and deputies of the foreign press in January 1936, have tried to explain away the title with which the foreign press so often branded the SA - "The bearer of a barbaric and uncivilised race struggle"?(1) Why should al those articles have been appearing in the 'SA-Mann' almost monthly during the years 1935-1939 in wording so similar to that favoured by 'Der Sturmer'?(2) The titles are sufficient to indicate their nature:

US 2471 .7 US 413

PS 3050 p. 16-18

"Finish up with the Jew"
"The Jewish world danger"
"Jews aren't wanted here"
"God save the Jew"
"Jews, Blacks and Reactionaries"
"The Camouflaged Benjamin - Jewish Cultural Bolshevism in German music"
"The Jewish Assassination"
"Murder - the Jewish slogan"
"Gravediggers of world culture"
"Jewry is a birth error"
"How come still German Jews?"
"The poor Jew - Well! Well!"
"Jewish world revolution - out of the U.S.A."
"Friends of world Jewry - Roosevelt and Ickes"

US 2471 .7 (1) "The SA man has been branded so often by the foreign press as the 'bearer of a barbaric and uncivilised race struggle' that I consider it my duty to say especially to this audience a few words on this subject...Our chief concern is not combating other races but the preservation of our own... Our racial consciousness is the basis of our national consciousness and is fundamentally in no way related to race hatred. The awkward position into which Jewry has brought itself in Germany, the country of its adoption, is its own fault. The German has always been known for his hospitality...And only because of this have the countless crimes committed by the Jews against the German people remained unpunished for such a long period of time. Now that our patience has been exhausted beyond the point of endurance, we cannot very well be blamed for keeping away burdensome guests. I need not tell you anything about the value of news reports under the headline 'persecutions of Jews by bands of SA men'." (Speech of Chief of Staff to Diplomatic Corps and deputies of foreign press 24 Jan 36)

PS 3050 p.16 (2) "German women finally wake up and do not buy any more from Jews. And you German girl, also finally wake up and do not go with Jews any longer... Snake remains a snake and Jew remains a Jew. And you, German girl, you give your best, your honour and your blood to one of a strange race? Aren't you ashamed of yourself?" (Der Sturmer 27 July 35)

H2741-0071

safeguarded valuable property, were to hand it over to the nearest office of the Gestapo?

We ask you to say that that evidence is in itself conclusive. Nevertheless you have in addition the report of the proceedings of the Supreme Party Court in connection with the murders of Jews which took place during those demonstrations. Fifteen S.A. men committed murder. They did so all over Germany: in East Prussia; in Dessau, in Hanover, in Bremen, in Saxony, and in Munich. Were they, too, all isolated incidents?

Göring's biographer wrote of the SA in 1937:

PS 3252
US 424

> "The present reorganisation of the Security Police is hardly noticed by the public. Their ranks are strengthened by the SA, the most reliable instrument of the movement".

Hardly could any organisation have received a more damning testimony.

Preparation for War and Wartime Activities

Immediately the Nazi Party came to power the SA became the embryo army with which the Nazis commenced their preparation for aggressive war. Geist tells you:

PS 1759
US 420
p. 2

> "Particularly through the years 1933 and 1934 hordes of Stormtroopers SA were much in evidence practising military exercises. They were being converted into a military organization. I frequently encountered the Stormtroopers deployed in fields and forests engaged in military technical exercises. This was all part of a general plan to prepare Germany's manpower for war".

Geist's assumption is confirmed by Lutze himself writing in 1939:

PS 3215
US 426

> "But already in 1920 by the founding of the SA the Führer established the extensive mission of this SA.... The SA shall be the bearer of the military thought of a free people. In the same sense the Führer said in his book; "Mein Kampf" :
>
> > 'Give the German nation six million perfectly trained bodies in sport, all fanatically inspired with the love of the Fatherland and trained to the highest intensive spirit, and a National Socialist State will, if necessary, have created an army out of them in less than 2 years'.
>
> The men never forget the mission of the Führer to require the military training of the German man and to reconstruct the military spirit in the German people".

What use is it for SA witnesses to come now and tell this Tribunal that

Gen. Tr.
203

> "The SA did not have any military character..and did not desire to have it...."

Con. Tr. 348 "The SA always preserved the non-military character of its training programme".

There is abundant other evidence of the military character and purpose of the SA and of its intensive training and prepartion for war.

Dr. Ernst Bayer, writing on the orders of the Supreme SA HQ in 1938, yet again describes the aims of the SA:

PS 2168 P. 6 US 411 "The SA was commissioned to obtain an increase and preservation of a warlike power and a warlike spirit as the expression of an aggressive attitude." (1)

PS 2822 As early as May 1933 von Richenau suggested that the Supreme Command of the SA should be represented on the Reich Defence Council.

PS 2820/US 427 A regular officer was appointed to the SA to assist them in US 1849 "military" training.

PS 2354 US 430 PS 2823 US 249 "For the purpose of camouflage he was to wear SA uniform".

We know the form which the training took from 1933 until 1939 from the training directives and other documents - some issued by Lutze himself - shooting, grenade throwing, judging distance, map reading, and marching. We know also that as early as July 1933 the SA had formed specialised units such as signal and motorized companies and separate air wings. The SA Command was anxiously stressing the need for secrecy in the case of any publications "which might give other countries an opening to construe German infringements of the terms of the Versailles Treaty".

D 918 GD 594

D 44 US 428

Footnote: (1) "The History, Work, Aim and Organisation of the Stormtroops of the Führer and the Supreme SA HQ" by SA Sturmführer Dr. Ernst Bayer.

PS 2168 p.8. US 411 "The operational main office of the Basis of the SA Sports Badge must prepare the fighting training of the bodies of all Germans capable of bearing arms and as prepatation thereafter must organize the execution of corporal exercises and sports purposes so that the widest stratum of the population is laid hold upon and will be kept in condition of bearing arms both physically and spiritually as well as ideologically in character up to the greatest old age."

H2741 - 0072

H2741 - 0073

The publication of pictures "enabling other countries to prove the alleged formation of technical troop units" was forbidden. It is hardly necessary again to quote Dr. Ernst Bayer to see the purpose of these technical units.

PS 2168
P. 13.
US 411

> "There originates in these technical units of the SA a trained crew whose capabilities and knowledge are not the last things of extraordinary value in the service for defence of the country".

Similarly he wrote of the Reiter Corps:

PS 2168
P. 13
US 411

> "At present the SA each year is able to furnish many thousands of young trained cavalrymen to our Wehrmacht".

Can we doubt that every member of the SA knew to what end all this was leading when the Chief of Staff himself was saying publicly that the training principle of the SA was "always the spiritual, moral and physical culture of militarization of the whole German nation"?

PS 3050 K

In March 1934 permanent liaison had been established between the SA and the Reich Defence Ministry in connection with all "A" tasks. Juettner has explained what these "A" tasks were - "training and border protection". Did border protection mean preparations for the military seizure of the Rhineland, Austria and Czechoslovakia?

Con. Tr. 314

D 951

In that same month of 1934, the SA were in fact forming in the Rhineland an armed staff with a heavy machine gun company.

Early in 1934 the SA were also making plans

PS 4013

> "to have the Austrian formations in Bavaria march into Austria around the 8th or 9th February. Then a military dictatorship would be proclaimed."

PS 3050
US 414
P. 12.

The account of the part the SA played in the abortive Dolfuss Putsch is before you. When the time eventually came for the Anschluss, SA units were among the first to enter Austria.

In Czechoslovakia the SA provided the chief support for the Sudeten Free Corps. In October 1938 a few weeks after the Munich crisis, the OKW Liaison Officer with the Free Corps reported

H2741 - 0074

How sinister these innocent words become in view of all the evidence of what was taking place in these eastern and Baltic provinces.

The administration of the ghetto of Vilna was in the hands of the S.A. and its inmates were guarded by S.A. guards.(1) Some of these Jews were made to live, enchained in deep pits where the S.A.

> "fastened chains round both ankles and round the waist; they weighed 2 kilos each and we could only take small steps when wearing them. We wore them permanently for 6 months. The S.A. said that if any man removed the chains he would be hanged."

D 964
GB 597

Their work consisted of digging up mass graves:

> "We dug up altogether 68,000 bodies.....Amongst those I dug up I found my own brother."

D 964
GB 597

At Vilna, too, S.A. guards were forcing the Jews to extract the gold from the teeth of their dead brothers with prongs, washing it in benzine and packing it into 8 kg boxes which the S.A. officer in charge personally took away.

D 975
GB 598

D 964
GB 597

(1) Affidavit of Szloma Gol

"Thereupon the SA men threw chains into the pit and the Sturmfuehrer ordered the Jewish foreman (for we were a working party) to fasten the chains on us. The chains were fastened round both ankles and round the waist. They weighed 2 kilos each and we could only take small steps when wearing them. We wore them permanently for 6 months. The SA said that if any man removed the chains he would be hanged. The 4 women (who worked in the kitchen) were not chained.

We dug up altogether 68,000 bodies. I know this because two of the Jews in the pit with us were ordered by the Germans to keep count of the bodies: that was their sole job. The victims were mixed, Jews, Polish priests, Russian prisoners of war. Amongst those that I dug up I found my own brother. I found his identification papers on him. He had been dead two years when I dug him up: because I know that he was in a batch of 10,000 Jews from Vilna ghetto who were shot in September 1941.

The procedure for burning the bodies was absolutely methodical. Parallel ditches 7 metres long were dug. Over these a square platform of boards was laid. A layer of bodies was put on top, the bodies had oil poured on them and then branches were put on top and over the branches logs of wood. Altogether 14 such layers of bodies and fuel were put on each pyre. Each pyre was shaped like a pyramid with a wooden funnel sticking up through the top. Petrol and oil were poured down the funnel and incendiary bombs put round the edge of the pyre. All this work was done by us Jews. When the pyre was

H2741-0075

The ghetto of Schaulen, south of Riga, was in charge of the SA.

D 967
D 969 700 to 800 men were there, recognisable by their brown uniforms and swastika armlets.

> "In August 1941 the SA surrounded the whole ghetto and numbers of them went into the houses and took out children and old men and put them into lorries and drove them away. I saw all this myself. It was done exclusively by SA. I saw them take children by the hair and throw them into
D 969 the lorries. I did not see what happened to them but a Lithuanian told me afterwards that they had been driven 20 km. away and shot. He said he had seen the SA make them undress and shoot them with automatic pistols".

D 968 The SA guarded the ghetto of Kaunas where 10,500 Jews were shot in the dreadful "action" of 28 October 1941. So also did they guard

PS 4071 the labour camps of Sakrow, Mechtal, Markstedt, Klettendorf, Lanbielaw, Faulbrück, Reichenbach and Aaberg in Upper Silesia, where Poles, Frenchmen, Belgians, Dutch and Greeks slaved and died through ill-treatment and malnutrition and where "the methods of the

PS 4071 SA by no means lagged behind those of the SS".

There can be no doubt of the veracity of those Jews who underwent those years of nightmare in the ghettos and labour camps in the East. Not only are the conditions they describe confirmed again and again from other sources and from the Germans' own documents, but even the identification of a particular SA man they mention is corroborate Leib Kibart gave you the name of the District Commissioner in whose courtyard the Jews from the Schaulen ghetto were daily cursed and beaten by their SA guards. He told you he was called Gewecke and that he was a member of the SA. We have the signature of Gewecke on one of his own letters dated 8 September 1941 complaining that the SS were interfering in his arrangements for the "orderly confiscation

PS 3661 of Jewish property". The letter heading on that document is "the Regional Commissar in Schaulen".

D 964 ready the Sturmführer himself or his assistant Legel (also in the SA) personally lit the pyre with a burning rag on the end of a pole.

> The work of digging up the graves and building the pyres was supervised and guarded by about 80 guards. Of those over 50 were SA men, in brown uniforms armed with pistols and daggers and automatic guns (the guns being always cocked and pointed at us). The other 30 guards consisted partly of Lithuanians and partly of SD and SS. In the course of the work the Lithuanian guards themselves were shot, presumably so that they should not say what had been done. The Commander of the whole place was the SA officer Mürer (the expert on Jewish questions) but he only inspected the work from time to time. The SA officer Legel actually commanded on the spot. At night our pit was guarded by 10 or 12 of these guards."

H2741 - 0076

Nor was it only in guarding duties that the S.A. were employed. They were forming Einsatz Commandos of their own and units of the S.A. were sharing in the bloody work of annihilating the partisans.

D 970
GB 602

The Regional Commander of the Security Police and SD in Cracow, in writing to the defendant Frank, tells of the work of a special S.A. Einsatz Commando which was formed for the purpose of collecting workers from the civilian population.

The General Commissar for White Ruthenia reported in June 1943 that

PS 1475
R 135

> "by order of the Chief of band combatting SS Obergruppenfuehrer von dem Bach, units of the Wehrmannschaften have also participated in the operation. SA Standartenfuehrer Kunze was in command of the Wehrmannschaften."

That action to which the General Commissar referred was the terrible operation Cottbus which you will remember and of which the General Commissar reported "the political effect upon the peaceful population is simply dreadful in view of the many shootings of women and children."

The S.A. had been organised in the Government General in 1941. Speaking in December 1943 Frank said:

PS 2233
(Frank's Diary,
1943, VI.
P.1356)

> "When 2½ years ago I gave orders for the S.A. to be formed, I was guided by a thought which today fills me more emphatically than ever. I strove to ensure.....that an emergency reserve of absolutely unshakable National Socialists should, under all circumstances, exist in the Government General. It is quite clear that this emergency reserve of pronounced National Socialist fighters can only be the S.A.....Here as an S.A. comrade with my S.A. comrades I can, within the framework of the S.A. truly cultivate what has to do with the Volk in a way which I cannot do in the political existence of the area, where I have to take numerous things into account and have to have a whip in my hand without interruption, like a lion-tamer in a lion's cage, in order to keep the bandits in check. That is a point of view which a Gauleiter in the Reich never need take into account.....It (the SA) has for the first time been employed here in a new area with new methods and tasks which, however, have been solved owing to the very fact that the S.A. is here the same as it was in the period of struggle in the Reich."

(10,276)

H2741 - 0077

Meanwhile at home in the Reich the S.A. were taking over

> "the functions which had previously been entrusted only to the SS and SIPO and Army, for instance, the guarding of PW camps, supervision of forced labourers in Germany and occupied territories. This cooperation of the SA was planned and arranged by high officers in Berlin as early as the middle of 1943."

PS 323
US 435

NO 034
GB 604

In Styria the camp of Frauenberg was being operated as a labour camp for habitual drunkards, delinquents and shirkers. 300 inmates worked in the neighbouring stone quarries and on road construction. SA men provided the guards. Can we picture the conditions in which these shirkers and delinquents lived - or died?

Violence and murder and mastery of the streets during the years of struggle. Illegal arrest, unauthorised concentration camps, unbelievable sadism during the years of triumph, 1933 and 1934. Ruthless suppression and brutal persecution of Jews and Christians and of every opposition, coupled with warlike and aggressive training during the years from 1934 until the outbreak of war. And after that, more concentration camps, more sadism, more suppression and persecution - this time of the allegedly racially inferior peoples they had conquered; and violence and murder - but not, as it had been in the distant days of 1923, of individuals: now it was of whole peoples. It is the same pattern running through the years. Can your decision frank these men again to terrorize the peoples of Germany and Europe?

H2741 - 0078

S.S.

I do not conceive it to be necessary to deal at any length with the evidence against the SS. You are already too well aware of the character of this organisation and of the activities of its members. The letters SS appear in connection with almost every one of the crimes, great and small, of which you have now heard daily over the course of almost 10 months. It may all be summarised, even if understated, in the words of their leader Himmler:

PS 1851
US 440

> "I know there are some people in Germany who become sick when they see these black coats. We understand the reason and do not expect that we shall be loved by too many."

I would therefore address you only upon one or two particular points that have arisen and to which the Prosecution attach particular importance.

Development of SS

The history of its development may be stated in a few words. Created originally as an elite bodyguard for the protection of Hitler himself, together with the SA., it formed a private Nazi army and the basis of what was to become the vital instrument in the conspiracy to wage aggressive war. Its value as a thoroughly reliable "instrument of the Fuehrer" was demonstrated in June 1934 when it performed the function of executioner in the blood purge which accompanied the murder of the SA leader Roehm.

PS 1919
US 170

> "It appalled everyone" said Himmler later, "and yet everyone was certain that he would do it again if such orders were issued and if it was necessary."

The willingness of the SS to do it again was to be exemplified a millionfold in the ensuring years.

Until January 1933 the SS consisted of a single unit. There were no special branches and, apart from their common role with the SA and their special position as Hitler's bodyguard, they had no other

H2741 - 0079

particular tasks. After the Nazi Party had come to power, however, and particularly after 1934, its members increased and its organisation expanded and became more complex. New units were created, such as the SS Totenkopf Verbaende, the task of which was, and continued to be, the guarding of concentration camps. A few selected units were given arms and in effect became Himmler's private army, known as the SS Verfuegungstruppe. At the same time certain functions became the speciality of other groups which, while not having a separate organisational status, came to be designated as separate branches, for instance, the SD who were the intelligence service of the SS and who were later to work in such close co-operation with the Gestapo. Although it became customary to distinguish between the several branches and formations of the SS by name, in terms of administration and command they were parts of the one SS, all under command of the Reichsfuehrer SS and all administered and controlled through the various main offices of the SS Supreme Command.

At the outbreak of war the majority of the Allgemeine SS, the great mass of the SS membership which had remained unarmed, were drafted into the Wehrmacht. New recruits were enrolled in the Verfuegungstruppe, which was expanded to form the fighting divisions of the SS and it was these fighting divisions which, in about 1940, came to be known as the Waffen SS.

D 878
GB 572

The Tribunal has seen from the report of the SS Statistical Institute how the SS had developed by 30 June 1944. By then it had a total membership of 794,941. The Allgemeine SS - the original nucleus of the SS - had declined in importance during the war because more than half of its 200,000 members had been called up to the Wehrmacht, the Labour Service or other special Nazi agencies. The remaining 594,443 belonged to the Waffen SS. The Tribunal has seen how 368,654 of the Waffen SS men were in field units. About 160,000 were in reinforcement, training and

D 878
GB 572

H2741 - 0080

reserve units. 26,544 were in other units and offices directly subordinate to the Operational H.Q. of the SS High Command. 39,415 were in the SS Main Offices.

It is particularly significant to see how those 39,415 men of the Waffen SS were distributed.(1) Witnesses have told you that the Waffen SS had nothing to do with the concentration camps. But no less than 24,000 of them were in the WVHA, the offices which organised and were responsible for the administration and personnel of the concentration camps. That 24,000 did not include the Totenkopf SS which provided the guards. Waffen SS men also provided the manpower of the various Nazi genocide organisations operating within and on behalf of the SS - the Racial and Settlement Main Office, the Office of the Reich Commissar for the Consolidation of German Folkdom, the Central

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(1) Members of the Waffen SS in the Head Offices
(Excluding the Operational HQ of the SS High Command)

SS Head Office	9,349
Racial and Settlement Head Office of the SS	2,689
SS Economic and Administrative Head Office (WVHA)	24,091
Personal Staff of the Reichsfuehrer SS	673
SS Personal Head Office	170
Head Office, SS Court of Justice	599
Bureau of SS Obergruppenfuehrer Heissmeyer (Education - Ideology)	553
Reich Commissar for the Consolidation of German Folkdom (Staff Head Office)	304
Reich Commissar for the Consolidation of German Folkdom (Head Office of the Volksdeutsche Mittelstelle (Central Office for persons of German race))	987
	39,415

(10,224)

H2741 - 0081

Office for Persons of German Race, the Personal Staff of Himmler, including Sievers' infamous Ahnenerbe.

Waffen SS as part of the SS whole

It is said of the Waffen SS that it was in effect a purely military organisation the character of which was no different from any unit of the Wehrmacht. On the evidence this is not so. It is true that the Waffen SS was the combat arm of the SS. But, although its fighting formations came under command of the Army, for operational purposes, always they remained an integral part of the SS. Indeed, the Hitler order regarding the function of the SS on mobilization provided that if placed under

PS 647
US 443
RF 1415

the command of the Army it "remains a unit of the NSDAP politically. Recruiting, training, promotions, administration and supply of the Waffen SS throughout the war remained the function of the Supreme Command of the SS. It was recruited through the SS Main

PS 2460
US 751

Office. It was organised, administered and supplied through the SS Operational Office, which was the seat of its Command

PS 2825
US 441

Headquarters. Members of the Waffen SS were not subject to the jurisdiction by the SS Main Legal Office. Like all other

RGB 1939
I, p.2107

formations of the SS, the Waffen SS was subject to Himmler's jurisdiction as Reichsfuehrer SS. It was in theory and in practice as much an integral part of the SS organisation as any other branch of the SS. You will remember the evidence that von Rundstedt gave while speaking of the brutal destruction of Oradour-sur-Glane:

> "The troop units of the SS were subordinate only to Himmler. I had no disciplinary power nor judicial power over them. I could not give them leaves or issue awards. I was responsible only for the technical employment of those divisions, much as I might use an Italian, Hungarian or Slovakian division."

Tr 15520

(10,225)

H2741 - 0082

These then were the broad outlines of the SS, this all purposeful "state within the state" as General Dotzel described it.

D 419
GB 552
Tr 15136

The Defence now seeks to divide this all-embracing unity of the SS into various totally separate components united only in the person of Himmler. He and three or four of his subordinates are alone made responsible for the millionfold crimes that were committed. But this contention violates both truth and sense. We are dealing in this trial not with the murder of ten men here, or twenty there. In this indictment is charged not only the murder of millions but a demoniac plan of genocide, of the murder of whole nations, peoples and races. The SS was the chosen instrument for this plan which out-Heroded Herod. This plan could only be executed by the use of the whole of the SS, of every branch of the SS working in unison and in co-operation with each other. The evidence given in this trial has shown that the crimes of the Nazi conspirators could not have been executed in an improvised way by sporadic criminal acts. They were carefully planned, prepared and put into action through the SS and other criminal organisations. The men of the SS were particularly qualified for the plan of crime. Physically trained and selected they were politically indoctrinated in Naziism and were committed to blind obedience to the commands of Hitler and Himmler and the rest of the Nazi leaders. "Orders must be sacred" said Himmler (PS 1919). Not only was membership voluntary during the first sixteen years of the existence of the SS from 1925 on: it was subject to most careful selection in an endeavour to produce what the SS called a "male racial elite", a "super-stratum", a "band of definitely Nordic German men." SS men had to be fanatical Nazis of "Aryan" descent.(1) (2)

PS 1992
US 439

PS 647
US 443

PS 2284
US 438

PS 3429
US 446

PS 2825
US 441

PS 2768
US 447

PS 2640
US 322

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(1) "Candidates are extremely thoroughly examined and checked", wrote Himmler. "Of a hundred men, we can use on the average ten or fifteen, no more. We ask for the political reputation record of his partners, brothers and sisters, the record of his ancestors as far back as 1750, and naturally physical examination and his record in the Hitler Youth.....Last, but perhaps most important, is a certificate from the Race Commission.....composed of SS leaders, anthropologists and physicians....."

PS 1992
US 439

H2741 - 0083

Voluntary Membership

Much emphasis has been made by the Defence that during the course of the war the voluntary basis of the recruitment was replaced by compulsory drafting. The witness Brill gave evidence that

Tr 13098 "at the end of the war there were more draftees in the Waffen SS than volunteers."

It may be helpful to the Tribunal if I very shortly discuss the evidence of that witness. While it is not questioned that at some stage during the war considerable numbers of men were arbitrarily drafted into the Waffen SS, the date when this practice commenced and the extent to which it was carried, as they have been given by the witness Brill, are both challenged.

He told you that the first 36,000 were conscripted between the Autumn of 1939 and the Spring of 1940. To say that that 36,000 were compulsorily drafted into the SS is deliberately misleading. When he was cross-examined before the Commissioner upon a similar statement he admitted that that 36,000 were already members of the Allgemeine SS which they had voluntarily joined. They were not conscripted: they were simply posted from one part of the SS to another. Figures of the subsequent

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(2) In 1943 Himmler said: "In the end only good blood can achieve the greatest enduring things. Strengthened by this conviction of mine, I began to work on this problem. It means that actually only good blood, according to our reading of history is to be considered as the leading creative element in every
TS 1992 state, and in particular, of all military activity, that is to
US 439 say, only Nordic blood. I said to myself that should I succeed in selecting from the German people for this organisation as many as possible who possess this desired blood, and in teaching them military discipline and the understanding of the value of blood and the entire ideology resulting from it, then it would be possible actually to create such an elite organisation as would successfully hold its own in all cases of emergency."

H2741 - 0084

conscripts which he gave were as follows:- During 1942, 30,000: during 1943, 100,000 and during 1944, 210,000, making a total of 340,000. Even on these figures he is far short of justifying his statement that by the end of the war there were more conscripts than volunteers. He gave the grand total of the Waffen SS as 910,000 - a figure which included its strength in 1940 and all subsequent reinforcements both voluntary and compulsory. 340,000 amounts to only just over one-third of that total.

On the question of the date at which recruits were first conscripted into the SS there is considerable evidence to refute this witness. In February 1940 Hess was instructing the Party offices to assist in the voluntary recruitment for the SS. In the decrees which he issued there was no suggestion of compulsory drafting. In April 1942 a recruiting pamphlet was emphasising the voluntary basis of the Waffen SS in these words:

PS 3245
GB 267

> "The youth of the National Socialist Reich knows that he must himself initiate proceedings in order to complete his military service in the Waffen SS. That so many young Germans have volunteered for the Waffen SS is a living testimonial to the confidence of today's young generation in the Waffen SS, its spirit and above all, its leadership."

PS 3429
US 446

PS 2825
US 441

"The Soldier's Friend", a pocket diary for the German Armed Forces, published in 1943, the year in which Brill would have you believe that 100,000 men were conscripted without choice, was describing the members of the SS as hopeful young men who had "voluntarily decided to join the ranks of the Waffen SS."

It stated:

> "Everyone has acquainted himself with the comprehensive manual for the Waffen SS. The principle points are as follows:
>
> 1. Service in the Armed Forces SS counts as military service. Only volunteers are accepted."

In April of the same year Himmler was directing Kaltenbrunner on the admission of SIPO officials into the SS:

> "I wish to clarify again: I want an admission only if the following conditions are fulfilled:
>
> 1. If the man applies freely and voluntarily."

PS 2768
US 447

H2741 – 0085

PS 2640
US 322

And the Organisation Book for 1943 explains that the Waffen SS by admitting volunteers for the duration of the war makes it possible for those volunteers to fight in the battle for the evolution of the National Socialist idea. I am entitled also to make this comment upon Brill's evidence. You will remember that I have already referred you to the statements which this witness made upon the activities of the SS Division Leibstandart which must, in my respectful submission, be regarded as perjured testimony. In view of the suspect nature of his evidence and of the evidence there is to contradict it, it is my submission that whatever may have been the extent of compulsory service in the SS it was very much less and came into being at a very much later date thatn he contends.

But whatever the truth of this matter may be, it is our submission that the fact that a number of men were compulsorily enrolled ought not and cannot afford this organisation a defence. The instances of crime committed by the SS during the war are so wide-spread, so constant and so vast that you are compelled to infer that the vast majority of its members, whether in the first place they joined voluntarily or otherwise, readily accepted the tradition of the SS and themselves became willing parties to its criminal activities. May I consider in outline some only of the evidence upon which that conclusion must be drawn.

Effect of SS Training

PS 1919
US 170

You know already the form of education and training that the SS man received - a training for "the racial struggle" which Himmler commanded them to prosecute "without mercy." Racial theories, geopolitics, eugenics - this was their curriculum. Mein Kampf was their Bible. Their basic philosophy was expressed by Himmler:

H2741-0086

> "It must be a matter of course that the most copious breeding should be from this racial super-stratum of the [illegible]. In 20 to 30 years we must re[illegible] be able to present the whole of Europe with its leading class. If the SS, together with the farmers..... then run the colony in the East on a grand scale, without any restraint, without any question about any kind of tradition but with nerve and revolutionary impetus, we shall in 20 years push the national boundary 500 Km. eastwards."

PS 1919
US 170

The propagation of ideas like these could only have accustomed SS men to the conception of a world in which the destruction, enslavement and the degradation of "inferior" peoples were regarded as an honourable duty. Pangs of conscience did not, could not, trouble these men. The Tribunal will remember the words of Bach Zalewski when he was asked whether the murder of 90,000 Jews by one small Einsatz group (to which, incidentally, the Waffen SS provided most of the killers) was in keeping with Nazi philosophy. He said:

> "I am of the opinion that when, for years, for decades, the doctrine is preached that the Slav race is an inferior race and Jews not even human, then such an outcome is inevitable."

Tr 2241

Not only were SS Generals like Bach-Zalewski and Ohlendorf themselves infected by this poison. It is our submission that it did - and must have - poisoned the ordinary SS man who did the killing. Their extermination of the Jews was regarded as

> "A page of honour in our history."

PS 1919
US 170

Honour! Cold blooded mass murder regarded as honour! Do we need further evidence to prove the type of man this filthy education bred? Long before they had enrolled themselves in the SS their members had been saturated with racial [illegible] and Führer worship. SS training was only a more advanced course. When they joined the SS, to whatever part they went they saw the practical application of all that they had learnt before. Everywhere, in

H2741 - 0087

in every office, in every unit, murder was the trade. And wherever murder was to be done it was the members of the SS that were enrolled to do it.

Widespread nature and extent of SS crimes

The Ahnenerbe was a department of the SS. Its list of members included the names of over one hundred professors and other educated men - all SS members, who relied upon the murderous business of hundreds of other SS members to supply them with the bodies for their experiments and the specimens for their collections - bodies of commissars who were to be taken alive and then decapitated, care being taken that "the head should not be damaged." Said Professor Hirt, the witness you have heard:

NO 085
GB 574
Tr 15326

> "By procuring the skulls of the Jewish Bolshevik Commissars who represent the prototype of the repulsive but characteristic sub-human, we have the chance now to obtain a scientific document."

The Office for the Consolidation of German Folkdom was an office of the SS, the office responsible for the awful crime of genocide and all that it entailed. The RSHA and the WVHA controlling and responsible for the concentration camps were manned by SS. The crimes of the SS in the concentration camps need no further mention except to emphasize that the enquiries instituted by the SS judicial system, of which the witness Morgen gave evidence, were not enquiries into mass murder but into cases of corruption by SS officials. That witness is another whom I have already suggested is unworthy of belief. How can the story of an investigation by an SS judge into the murders by Hoess at Auschwitz, which were interrupted by the advance of the Allies, be taken seriously? What further investigation could have been needed when Morgan himself knew all the details of the Auschwitz killings some time in 1943 or 1944. Do you doubt that had the Allies lost the war Hoess would still be committing mass murder in that concentration camp and that SS judges would still be investigating corruption and isolated crimes?

Tr 15306

Tr 15311

(10,220)

H2741 - 0088

The Einsatz Commandos were primarily SS. They show in miniature the co-operation between the various branches of Himmler's system and the unity of the whole SS. Action Group "A" was composed as follows:-

Waffen SS	34.4%
SD	3.5%
Criminal Police	4.[illegible]%
Gestapo	9.[illegible]%
Auxiliary Police	8.[illegible]%
Other Police	13.4%

L 180
US 276

The system of exterminating Jewry was handled by SS. The Warsaw Ghetto is but one example. The deportation, murder and robbery of the Poles and other peoples occupying territory which was required for German settlement was undertaken by SS.(1) You will remember the Globocnik report, the action in which thousands of Poles were removed from their homes and 178 million Reichsmarks acquired for the WVHA and which in the words of Globocnik himself, was

PS 4024
GB 550

> "carried out within the framework of the SS..... Only the decency and honesty as well as the surveillance of the SS men used for this purpose could guarantee a complete delivery."

One is surprised he did not add "pecunia non olet" (the money does not smell)

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(1) Measures for the further transfer of populations

As many quarters express themselves against the transfer of populations on the grounds that it causes too much unrest among the foreigners, thus disturbing production, the following measures have been decided upon:

1. Verbal propaganda will spread news about the discontinuation of these transfers.

4024
550

2. No authority will announce anything before the actual moment when the transfer of populations is to be carried out. Planning to be done secretly.

3. The time for immigration will be fixed for after the spring tilling of the fields, so that the foreigners will carry out the cultivation of the land and the new settlers will already be able to make use of the harvest. This has the advantage that, under the abovementioned presuppositions, the foreigners will till their fields in all districts, while the German settlers will not run the danger, in view of the shortness of the time, of possibly being hindered in their spring work.

4. The transfer of Poles should be carried out in such a manner that the good elements are put, as much as possible voluntarily, in districts cleared by the Security Police, and the transfer is entitled "The Establishment of Security in the Partisan districts." The bad elements will be taken away gradually, where they are not employed as auxiliary workers.

5. The announcement of the time of immigration will be made only on the day of the transfer of population.

6. All villages will be occupied in advance by the "Landwacht" (country guard) in all parts of the organisation formed by settlers who, having received previous training, are to save the use of our own SS forces.

H2741 - 0089

The Waffen SS came to be the spearhead of Nazi wars of aggression, particularly in the invasion of the Soviet Union, and exemplified the tyranny and slaughter which were inherent in Nazi domination.

PS 1919
US 170

> "We will never let that excellent weapon, the dread terrible reputation which preceded us in the battles for Kharkov fade, but will constantly add new meaning to it", said Himmler to the officers of three SS Divisions in Kharkov in 1943.

The Waffen SS succeeded in constantly adding new meaning to its reputation for terror. Numerous instances have been submitted to the Tribunal of the commission of war crimes and crimes against humanity by units of the Waffen SS. They are fresh in the Tribunal's mind and I will not recapitulate them. I would only remind the Tribunal that some of the worst atrocities took place in 1943 and 1944, at which time a proportion of the Waffen SS were conscripts.

Himmler's Speeches.

How can it be contended that the members of the SS, and particularly of the Waffen SS, were merely soldiers - soldiers who had no knowledge and took no part in these crimes? How can it be said that it was not they whose aims were criminal? Wherever we find Nazi crimes being committed we find also SS men involved. Always it is said that those SS men were something special, members of the SD or some other particular branch, members of the SS who had been drafted away to serve with special units such as the Einsatz Commandos, members of the SS who were not really SS men at all but doctors or police. Can this be really so? Let us ignore the evidence of the concentration camps, of the Einsatz Commandos, of the vast and brutal crimes against the populations of their invaded territories, of the mass exterminations of Jews throughout half the countries of Europe, of the legion instances of individual crime and sadism, of the legion other instances of murder in battle and of every other breach of the laws of warfare. Let us ignore the evidence of all these crimes, although each one of them was committed by different SS men in different towns and villages throughout the length and breadth of the Greater Reich. Let us ignore them although they did not constitute one sudden wave of crime but were being done day after

H2741 - 0090

day over the years. Let us ignore the fact that in almost no instance of crime of which we have heard were any other than SS men involved. Let us ignore all this if you wish. Without it the criminality of the SS from the highest to the lowest is established by the records which we have of those three speeches that Himmler made to the officers of his SS units.

PS 1918
US 304

PS 1919
US 170

In April of 1941 he was talking to all of the officers of the SS Division Leibstandarte. In October 1943 he was addressing his Major Generals at Posen. In the same month the commanding officers of every regiment in three of his SS divisions were listening to what he said at Kharkov. Those speeches have been quoted to you again and again and you know the sentiments that were expressed and the subject matter that they covered. Will you try to imagine a General from your own countries talking to all the officers of one of your own divisions of hauling into slavery "thousands, tens of thousands, hundreds of thousands" of people; of shooting "thousands of leading Poles." Will you try to imagine a British or an American or a Soviet or a French army commander telling his Major Generals:

PS 1919
US 170

> "What happens to a Russian, to a Czech, does not interest me in the slightest.... Whether 10,000 Russian females fall down from exhaustion while digging an anti-tank ditch interests me only in so far as the anti-tank ditch for Germany is finished."

Or saying this:

PS 1919
US 170

> "I also want to talk to you, quite frankly, on a very grave matter.... I mean the clearing out of the Jews, the extermination of the Jewish race. It's one of those things it is easy to talk about - 'The Jewish race is being exterminated', says one party member, 'that's quite clear, it's in our programme - elimination of the Jews, and we're doing it, exterminating them.' And then they come, 80 million worthy Germans, and each one has his decent Jew. Of course the others are vermin, but this one is an A 1 Jew. Not one of all those who talk this way has witnessed it, not one of them has been through it. Most of you must know what it means when 100 corpses are lying side by side, or 500 or 1000. To have stuck it out and at the same time - apart from exceptions caused by human weakness - to have remained decent follows, that is what has made us hard."

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Can you see him telling all the Commanding Officers of one of his divisions:

> "Anti-Semitism is exactly the same as delousing. Getting rid of lice is not a question of ideology, it is a matter of cleanliness. In just the same way anti-Semitism for us has not been a question of ideology but a matter of cleanliness."

PS 1919
US 170

If you can imagine so much, can you imagine what you would say of the officers and of the men that they commanded? Is it possible that officers and men in these Waffen SS divisions who could be spoken to in such a way were high-minded, clean-living, decent and honourable soldiers? Such men, be they from Germany or from any other country in the world, would not tolerate these words. These speeches have become hackneyed enough during the course of this trial but they never lose their significance. They show that every member of these SS units was a prototype of his SS Fuehrer. If it were not so, Goering could not have said, after telling Mussolini the horrors of Germany's method in fighting the partisans,

> "Members of the Party discharge this task much more harshly and efficiently.....The SS, the guard of the old fighters of the Party, who have personal ties with the Fuehrer and who form a special elite, confirm this principle."

D 729
GB 281

If it were not so Hess could not have written:

> "The units of the Waffen SS.....are more suitable than other armed units for the specific tasks to be solved in the occupied Eastern territories due to their intensive national socialist training in regard to questions of race and nationality."

PS 3245
GB 267

We know what Hitler had in mind as the future role of the Waffen SS - State Police to impose German authority in the conquered countries; State Police who would never fraternise with the proletariat and underworld. That was their destined role which all the army knew because, by order of the OKW, it had received the "greatest publicity." We know enough of the Nazi State Police, of the education and training of the Waffen SS and of the practical application of that training during these years of war to fit them for the task that lay ahead of them, to know also the sort of methods which they would have employed. It is those men, the men who were intended and had been trained to police and terrorise Europe, who compose the organisation of the SS which we ask you to convict as criminal.

D 665
GB 280

(10,412)

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COMMON AIMS OF SS, SA AND CORPS OF POLITICAL LEADERS.

Such are the main considerations in connection with these three Organizations, the Corps of Political Leaders, the SA and the SS to which I desire to draw your attention. It was these Organizations which provided the machinery by which the crimes which these defendants conceived were executed. These three Organizations were not separate and distinct from each other as their Counsel have attempted to portray them. It was their members who together constituted - and still do - the fundamental and dangerous core of National Socialism. As the separate branches of the National Socialist elite, their aims and purposes were the same and they worked and co-operated with each other using the same methods which were criminal for all to see. From the outset this was so and continued so until the end. Nothing more clearly demonstrates these things than the evidence of how the National Socialist Party and Government debased the concepts of law and order and corrupted the judicial practice of their Courts in order to protect themselves and their followers in the criminal courses they were pursuing.

Hardly had the Nazi Government come to power than the Nazi Ministers, Nazi police and Nazi judiciary were condoning violence and murder committed by the SA and the SS and the Gestapo. And for what reasons: - reasons which must have demonstrated to all Germany and must demonstrate to all the world today the very rottenness of National Socialism:

D 923
P.8

> "As the deed did not originate from ignoble motive but rather served the achievement of an exceedingly patriotic aim and the advance of the National Socialist State, the quashing of the proceedings... does not seem incompatible with the orderly administration of criminal justice."

Such was the opinion of the Public Prosecutor to the Provincial Court in Nuremberg in respect of the SA men who had beaten a Communist to death - beaten him until the soles of his feet were so swollen

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D 923
p.1

> "owing to the mass of blood gathered there, that after the blood had been drained off by incision, pockets nearly the size of a fist were formed."

In Munich the State Minister of the Interior was giving similar reasons for quashing proceedings against SS guards in Dachau who had beaten a prisoner on the head until he died:

D 926
p.7.
GB 568

> "As a reason it is pointed out that the conducting of investigations would cause great harm to the prestige of the National Socialist State, since these proceedings would be directed against members of the SA and SS and thus the SA and SS as the chief protagonists of the National Socialist State would be immediately affected."

Nazi judges were suspending proceedings against members of the SA in agreement with the supreme leadership of that organization.

D 936

> "The deed and intention of the SA men were only aimed at the well-being of the National Socialist movement. Political reason and the purity of the intention is thus beyond doubt."

When judges not yet accustomed to these new conceptions of law did convict SS guards who "not only attempted to wring confessions from inmates but acted in sheer lust for torture", they were at once expelled from the Party; The prosecutor who happened himself to be a member of the SA was warned that he should resign and the Gauleiter wrote to the Supreme Court advising that a pardon should be substituted for the sentence that had been imposed.

PS 785
US 733

PS 784
US 732

Can there be any doubt that candidates for membership of these organizations did not know that membership afforded them licence to murder?

Nor were these concepts of law confined to the State and Party Courts. The military could not resist anything so attractive. By 1939 a military judge was granting to an SS man extenuating circumstances

D 421

> "because he was induced to participate in the shooting by a corporal handing him a rifle. He was in a state of irritation owing to numerous atrocities committed by Poles against persons of German race. As an SS man, particularly sensitive at the sight of Jews and to the hostile attitude of Jewry to the Germans, he therefore acted quite thoughtlessly in a youthful spirit of adventure."

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Those SS soldiers had been sentenced to imprisonment for "manslaughter" which the army commander refused to confirm. It was for "manslaughter" of a kind known only to National Socialists - to National Socialists who, as we have seen in this Court, display a curious sensitiveness to the word "murder". This they called manslaughter:

D 421
GB 567

> "After about 50 Jews, who had been used during the day to repair a bridge, had finished their work in the evening, these two men drove them all into a synagogue and shot them all without reason."

Let me conclude by reminding you of the opinion of the Supreme Court - the supreme guardian of National Socialist honour and discipline to whose august authority and jurisdiction the members of all these organizations were subject. Of the murders committed during the 1938 demonstrations by Hoheitstrager and members of the SA and SS, the investigation of which had been entrusted to the Secret State Police and the Party Jurisdiction, of Gauleiters and other Political leaders, it was pleaded that

PS 3063
US 332

> "in such cases as when Jews were killed without an order or contrary to orders, ignoble motives could not be determined."

The purpose of those proceedings in the Party Court were

> "to protect those Party comrades who, motivated by decent National Socialist attitude and initiative, had overshot thir mark."

In those few lines you have the secret of all the death and suffering, the horror and tragedy, that these defendants and the members of these organizations have brought upon the world. You see to what depths of evil they corrupted the human conscience. No ignoble motive! - The murder of women and children the "decent National Socialist attitude and initiative". Such was the National Socialist creed, which the members of these organizations fanatically accepted, the creed which - can one doubt? - they still cherish and, given the opportunity to do so, would revive.

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HIGH COMMAND AND GENERAL STAFF

It is not my intention to trespass on the ground which will be covered so well by my colleagues. Nevertheless I want to state, as clearly and emphatically as it may be stated, that the British Delegation unreservedly joins them in the request for the condemnation of the group indicted as the General Staff and High Command.

The men involved have joined in wars which they knew were unjust wars of aggression. They have borne essential parts in the deeds which in the hands of their immediate perpetrators are undeniably war crimes and crimes against humanity. Yet they protest their innocence.

Our case against them has as clear a basis on the facts of this case as in the lessons of history.

They carried out orders which on the admission of many of them bit deep into the remnants of their consciences. They knew that they were doing what was wrong but they now say "Befehl ist befehl" - an order is an order.

All decent men find it difficult to blame others for absence of moral courage - they are only too conscious of their own failings in that direction. But there comes a point when, faced with crimes which are obvious murder or barbarity, there is a higher duty. Even Dr. Laternser admitted this was so. His suggestion to the witness Schreiber that he ought to have protested at the Army staff's proposals for bacteriological warfare came strangely on behalf of these men whose very defence has been to declare the impossibility and uselessness of protest. What nonsense - what utter nonsense - is this which you have been asked to listen to by these Defendants and their Generals whom their own Counsel, to discredit a witness, must ask the very question which the Prosecution have been asking of themselves since the day this trial began. In fairness to all military tradition it should not go forth that soldiers have sheltered behind the letter of a command from facing moral problems - and deciding them, rightly or wrongly, as moral problems. Great captains are not automata to be weighed against a rubber stamp. I need not traverse the history of our own military figures - the philosophy of Montrose, the brooding thoughts of Marshal Ney, the troubled heart of Robert E. Lee in 1861, to find examples. Two of the greatest names in German military history spring to one's mind: von Clausewitz leaving the Prussian Army to serve in that of Russia; Yorck von Wartemburg making his decision of neutrality - both put what they deemed the needs of Europe and

(Jc,MC)

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Humanity above the orders of the moment. How much more clear and obvious was the duty when the work of drafting, issuing and carrying out the Nacht und Nebel decree, the Commando Order, the Commissar Order, Hitler's Order to murder the 50 Air Force officers, meant the defiling of every idea which every soldier cherishes and holds dear; when - as all of them who ever served upon the Eastern Front could see with their own eyes - they were asked to support and co-operate in a calculated system of mass extermination and utter brutality.

These men, of all men, knew their leader to be a callous murderer yet for years they had met in conference after conference to sit at his feet and listen to his words. They fed his lust for power and enslavement with the best of their professional skill. While the defenceless peoples of the East, the men, women and children of Poland, of the Soviet Union and of the Baltic States were being deliberately slaughtered and deported into slavery to allow for German Lebensraum these men talked of the necessities of war. When their own cities were bombed and Germans killed, they called it murder. Only in July 1944 when Hitler's star was dimmed did three Field Marshals and five Colonel Generals recognise that he was murdering also their own country and take action. When that star was rising in victory they had hailed it and ignored the blood red colour of the clouds from which it rose.

Fr 15458

So much for the facts and the merits. It is perhaps permissible to say one word on the construction of the Charter. The use of the two words "group" or "organisation" surely connotes that the entity in question may have been either formally organised by the Nazis or selected by the Prosecution as a group which existed in living reality. This group was united by its special knowledge given at so many conferences, and voluntarily bound by the transmission of those criminal orders. For that reason we ask that it should be condemned.

(10,275)

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REICHSREGIERUNG

With regard to the Reichsregierung also I only desire to make clear that the British Prosecution is again asking unhesitatingly for a conviction. Beyond this I wish to make two points only.

Some question has been raised as to the position of those known Nazis who joined the Cabinet in 1933. If anyone in that Cabinet did not know for what he was committing himself on 30th January 1933, he had a very good idea in March when the Jews were attacked. His knowledge increased in April when the whole nation was organised in boycotting the Jews and the official figures of 20,000 people under arrest were given in the German Press. In June 1934 he knew that murder was being used as an instrument of policy. In 1935 and 1936 he knew that the foreign policy was being carried on at the calculated risk of war.

The other point on which I want to comment is the picture given by the Defence, of Ministers in complete ignorance of what was going on. In my submission, government does not function like that. Whether totalitarian or democratic a Government can only act by dealing with human beings. The lives of human beings are not lived in watertight compartments; their infinitely varying interests are inextricably interlocked. The most completely authoritarian minister must consider the repercussions of his actions on the acts of his colleagues. In other words, he must know what is going on.

It is because the men of this group knew what was going on, supported it and took the principal positions and richest rewards of the State for themselves as the price of such support, that we ask for the conviction of the organisation today.

I have endeavoured to show how the SD and the Gestapo fit in to the scheme of the Nazi State. As one would expect, the evidence that I have mentioned introduces them in innumerable ways. Beyond once more emphasising my support of my colleagues' plea for their conviction I do not intend to comment further upon those organisations

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CONCLUSION

I am deeply conscious that one of the greatest difficulties and not the least of the dangers, of this trial is that those of us who have been engaged day in and day out for 9 months have reached the saturation point of horror. Shakespeare attempted to picture that saturation point in the memorable lines:-

"Blood and destruction shall be so in use
And dreadful objects so familiar
That mothers shall but smile when they behold
Their infants quartered with the hands of war;
All pity choke'd with custom of fell deeds;"

It is only when we stand a little apart from what has been our daily companion for 40 weeks that we realise that the "domestic fury and fierce civil strife", the results of which Mark Antony was prophesying, are an inconsiderable bagatelle beside the facts which we have had to consider.

It is not merely the quantity of horrors - although these organisations have been the instruments of death for 22,000,000 people - it is the quality of cruelty which produced the gas chambers of Auschwitz or the routine shooting of Jewish children throughout a Continent claiming to be civilised. There is not one of these organisations which is not directly connected with the sorry trade in murder in a brutal form. Who can doubt that the Reich Cabinet knew of the euthanasia used to conserve the physical resources of Germany for war? It is beyond question that the High Command and General Staff passed on these orders of which you have heard so much and which are all reduced in the end to plain murder; the Leadership Corps' share in killing Jews and ruining the bodies of slave labourers. I have simply to mention the SS and the crimes come unbidden into the mind without any words of mine. Conniving, assisting and finding a reason for these crimes were the SS and the Gestapo. The SA trained its Baltic

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recruits to reach the SA standard which came to fruition in the Ghetto of Kaunas or the pit at Vilna.

The late President Woodrow Wilson once said:

> "It is indispensible that the Governments associated against Germany should know beyond a peradventure with whom they are dealing."

If Europe is to be cleansed of Nazi evil it is indispensible that you and the world should know these organisations for what they are.

It has been our sombre task to assist you to this knowledge: having done so, we sometimes wonder if the stench of death will ever wholly pass from our nostrils. But we are determined to do our utmost to see that it will pass from Germany, and that the spirit which produced it will be exorcised. It may be presumptuous for lawyers, who do not claim to be more than the cement of society, to speculate or even dream of what we wish to see in its place. But I give you the faith of a lawyer. Some things are surely universal: tolerance, decency, kindliness. It is because we believe that there must be a clearance before such qualities will flourish in peace that we ask you to condemn this organisation of evil.

When such qualities have been given the chance to flourish in the ground that you have cleared, a great step will have been taken. It will be a step towards the universal recognition that

> "sights and sounds all happy as her day,
> And laughter learnt of friends, and gentleness
> And hearts at peace"

are not the prerogative of any one country. They are the inalienable heritage of mankind.

(10,414)

Organizations - Final Speech .. British
Sir Maxwell- Fyfe

(English)

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